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PROCEEDINGS
MISSISSIPPI STATE BAR

SIXTY-FOURTH ANNUAL MEETING

October 1969

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MEMBER, NATIONAL CONFERENCE OF LAW REVIEWS
MEMBER, SOUTHERN CONFERENCE OF LAW REVIEWS

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1969-70

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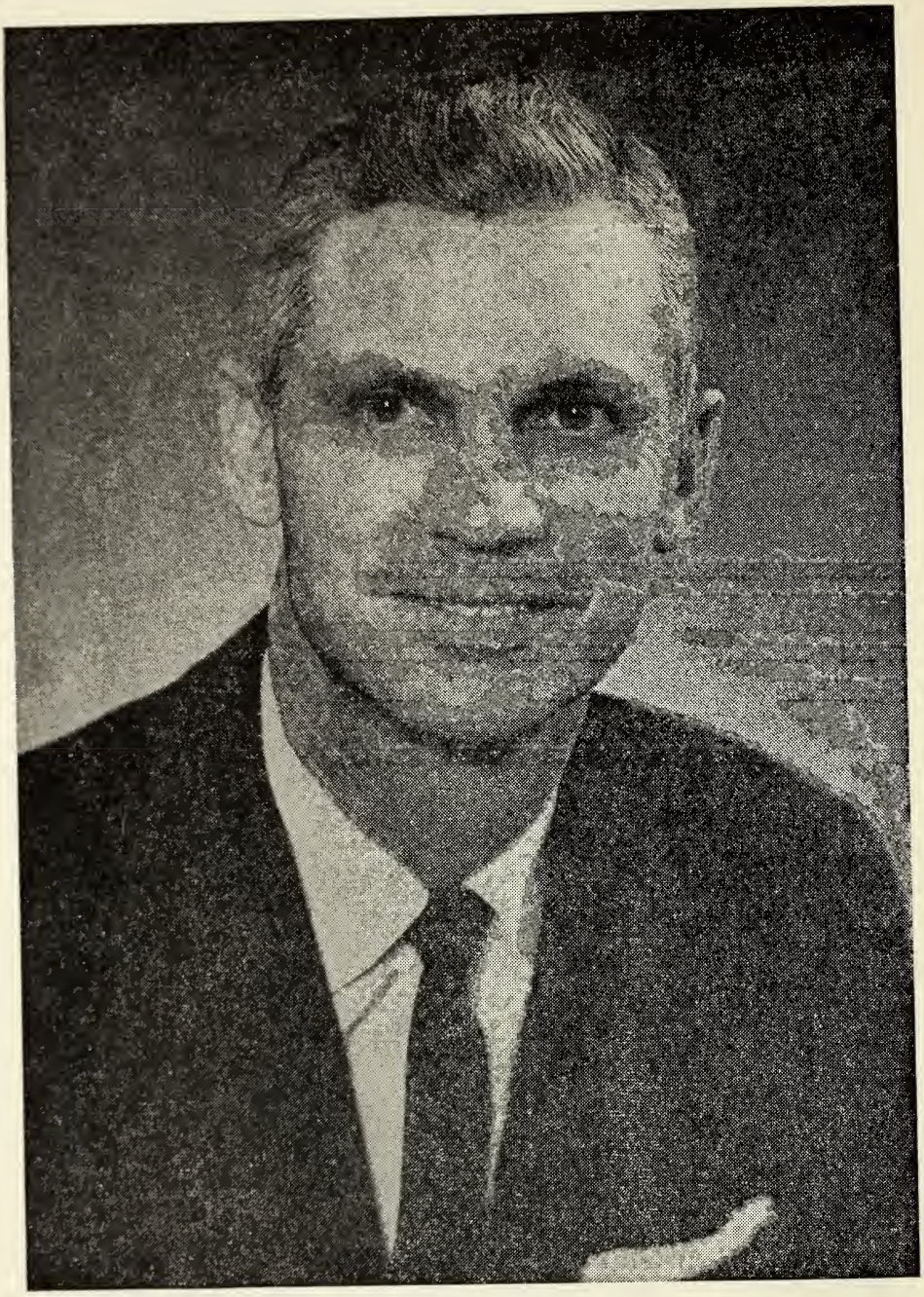

CHESTER H. CURTIS
Retiring President of the Mississippi State Bar

PROCEEDINGS OF THE SIXTY-FOURTH ANNUAL MEETING
OF THE

Mississippi State Bar

HELD AT JACKSON, MISSISSIPPI, ON JUNE 27 and 28, 1969

The First General Assembly of the Mississippi State Bar was called to order in the Hotel Heidelberg, Jackson, Mississippi, at 9:30 A.M., June 27, 1969, by Hon. Chester H. Curtis, President of the Mississippi State Bar.

The Invocation was delivered by Rev. Warren C. Hamby, Pastor of the Galloway United Methodist Church, Jackson, Mississippi.

Addresses of welcome were delivered by Hon. Allen Thompson, Mayor of the City of Jackson, Hon. Cary Bufkin, President of the Hinds County Bar Association, and George Sturm, General Manager of the Hotel Heidelberg.

Hon. Gibson Witherspoon then introduced the President-Elect of the American Bar Association, Hon. Bernard G. Segal, who delivered the following address:

ADMINISTRATION OF JUSTICE*

Bernard G. Segal

Last year the American Assembly on Law and the Changing Society concluded that we now face challenges to the public order and to the realization of American ideals greater than any since the Civil War, and gravely asserted that our institutions have proved inadequate to secure the benefits of equal justice for millions of our citizens. During the same month, the National Advisory Commission on Civil Disorders, better known as the Kerner Commission, ominously warned that to pursue our present course will involve continuing polarization of the American community, and ultimately, destruction of basic democratic values. And the President's Commission on Law Enforcement and the Administration of Justice, in a report meaningfully entitled "The Challenge of Crime in a Free Society", drew an alarming picture of burgeoning crime in America, with perhaps its most telling revelations relative to the very large number of young people who are committing major crimes.

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* This address has been abridged by the Editor, with title and sub-headings added.

All three reports call upon the lawyers of our nation to assume leadership in a re-examination and a re-evaluation of the substance of our law and the agencies which interpret and enforce it, and in an all out effort to effect the necessary, far-reaching changes in attitudes and institutions which the present critical situation demands.

My friends, we live in a time of incredible scientific and technological advances. Man has literally conquered space. Who would have dreamed even a decade ago that in June, 1969, American astronauts would be within weeks of landing on the moon; our planes have broken the sound barrier; and we have developed instantaneous communications with all parts of the globe. The computer promises to revolutionize our manner of living. We are the richest nation in the history of mankind. Yet, the three reports I have cited describe conditions which are wholly inconsistent with the promise of these scientific advances, with the affluence of our society.

What are the reasons for so enormous a contrast? Perhaps more important, what can be done about it? These are questions of vast proportion and they are being studied and investigated on many fronts. I can touch on only a few of even those areas which are primarily the responsibility of the lawyer.

At the top of the list, of course, stands the administration of justice, of which the legal profession is the primary caretaker. How well has the profession fulfilled this obligation?

Our Judicial System

I speak first of our judicial system, the ultimate guardian of our basic freedoms. Here I fear the reply must be—in many states not at all well, and in some places extremely poorly. The sobering fact is that despite the judicial reform explosion of the past two decades, in far too many states, the organization and the administration of the courts are antiquated; the methods of judicial selection are unsuited to the maintenance of an independent judiciary; laymen preside in what are called courts of justice; judicial compensation and retirement allowances are shamefully low; and the number of judges is wholly inadequate.

Let us look at the selection of judges. If there is any single principle upon which there is almost universal agreement among leaders concerned with the administration of justice, it is that the *election* of judges on a partisan political ballot is the very worst of all existing systems. No wonder that in the whole United States there are only eight states left in which all of the judges are elected on a partisan political ballot, and only a few in which some of the judges are. Where else in the world do you think the system has survived? It is an arresting fact, I think, that

the only other places in the world where judges are still elected are the Soviet Union and its satellite countries. My wife and I were in Moscow with the present Presiding Justice of the Supreme Court of the Soviet when they were holding their elections two years ago for judges, and I really felt ashamed to concede that we do the same in our country, which is different in every other respect from what we saw during our visit to Moscow and Leningrad.

I need not spell out all the evils of the political election of judges. It strikes at the first prerequisite of a sound judicial system in a democracy—the independence of the judiciary. A judge cannot be truly independent when he must seek the favor of a political leader for his initial selection, and for his lifetime thereafter must look back over his shoulder to be sure to retain the good will of the political leaders who, as each term nears its end, will be determining whether he is to remain on the bench. And what could be more incongruous than for a judge, who can have no political platform, to be required, every four years or every eight years, as in Mississippi, or every ten years as in my own state, to conduct a political campaign? His place is in the courtroom, not at a street corner rally. And unless he is a man of large wealth, where is the money for his individual campaign to come from? As Will Rogers once observed: "Politics has got so expensive, it takes a lot of money even to get beat with." Obviously, campaign funds must be given to the judge by political party leaders, or, as is more often the case, by or through lawyers who practice before him in his court.

Now I know that in Mississippi you have some fine judges. Some of them are people that I know and regard highly and whom I have supported strongly for federal judicial positions, but this is not because of the system—it is in spite of it. I realize, too, that in a one party state like Mississippi, the situation in this one respect is not so acute since serious contests against incumbent judges standing for re-election are less frequent. But they do occur, and in any event, the principle remains fully applicable here, as in my own state. The urgent thing is that once the organized bar has become militant on this subject, or on any subject of judicial reform, it continues to wage the battle until the utlimate goal is secured. As Arthur Vanderbilt so aptly stated, judicial reform is no sport for the shortwinded. In New Jersey it took fourteen years to get a new Judiciary Article; in Illinois, seventeen years. But eventually they prevailed as to most of their objectives. The rest must still be fought for. The battle must never be abandoned until fully won.

In the meanwhile, in states like yours and mine, where judges are still elected, it is important that we realize that a majority of the judges originally come to the bench by appointment, not by election. This makes

the appointing power an important element in the securing of good judges. Here is a place where it has been amply demonstrated that the organized bar can be effective by influencing the Governor to appoint qualified—hopefully well qualified—judges only.

As some of you know, it can be said with complete confidence today that the Attorney General of the United States would not make a recommendation to the President for the appointment of a judge in the United States Courts of Appeals or the District Courts, and the President would not make the appointment, until after receiving and studying the comprehensive report of the ABA Standing Committee on Federal Judiciary. I mention only the last two federal judges of this state, Judge Bill Keady and Judge "Hack" Smith. I can tell you personally of the large part that the American Bar Association played in those appointments, and I can assure you of the pride which we felt, as I know you did, when the President sent their nominations to the United States Senate. I wish time permitted me to portray for you the years and years of effort that went into achieving this result—the discouragements, the set-backs. Even after the first breakthrough late in 1952, each advance had to be vigorously fought for.

The important lesson to be learned from all this is that there are few states, almost no states, I would say, and certainly not Mississippi, in which similar battles by state bar associations, similarly persisted in, would not be similarly successful.

Another plank in any program for the organized bar in furtherance of the effective administration of justice is to assure adequate salaries and fair retirement allowances for judges. It was the ABA which sponsored the legislation in the Eighty-third Congress, which created the Commission on Congressional and Judicial Salaries, and which was largely responsible for the first substantial salary increase to federal judges in many, many years, which came in 1954. It was the ABA which spearheaded the campaign for the increase in federal judiciary salaries which came again in 1964, and it is the ABA which is entitled to a large measure of credit after a fourteen-year campaign for the enactment of the legislation which made possible the recommendations of President Johnson last year and triggered the substantial salary increases which became effective under that very legislation at the beginning of this year. It became effective, by the way, because of this unusual legislation for which we fought, whereby the legislation became effective *unless* the House or the Senate objected. This avoided the necessity of having the Congress act affirmatively, and the increases became law by virtue of this great commission of which the President of the American Bar Asso-

ciation was a member on recommendation and the act of the President of the United States.

Unfortunately, far too many states have not followed this lead insofar as their salaries and retirement allowances of their judges are concerned. As a consequence, judicial salaries and retirement allowances in such states are woefully inadequate and, in my opinion, this sorely affects the administration of justice. I know you will forgive me if I say that one such place is Mississippi. Today, a justice of the Supreme Court of Mississippi receives *less than one-half* of the salary of a United States District Court Judge, and a judge of the circuit court or of the chancery court of Mississippi receives only forty per cent of what his counterpart receives in the federal trial court. Obviously, there is no justification for such a disparity. Indeed, in only six other states are justices of the highest court in the state paid less than in Mississippi, and only four other states compensate their trial judges at a lower rate than Mississippi.

The Mississippi State Bar may well be proud of its achievement in winning the ABA Award of Merit in 1966. I am confident that the same leadership and effort as earned that award, if exerted in an all-out bar association campaign for fairer and more realistic judicial salaries, would be bound to succeed. Support of the Judiciary Council's pending recommendations is certainly a good starting point.

I attended this morning one of the most thrilling experiences of my professional life, when Mr. William S. Henley of your bar received the distinguished service award after fifty years as a member of the Mississippi Bar. In his response he made an eloquent plea for this very thing. I can refer you to no more qualified authority in your own state than Mr. Henley as to the importance of taking up the torches in this cause.

Protecting the Courts

Now I want to refer to another area of grave consequence to the effectiveness of the bench and the integrity of our judicial system, and yet one on which the organized bar has been strangely silent. I refer to the obligation of the legal profession to protect the courts against unfair criticism—to make certain that their decisions are properly interpreted and fairly presented to the public.

These days we hear criticism of courts on all sides. Judges, it appears, are often today's scapegoats for a society frustrated by its inability to find easy solutions for difficult, often overwhelming problems. Take the loud and recurrent cry that the rising crime wave is due to certain decisions of the Supreme Court of the United States handed down in the 1960's, primarily involving procedural due process in the criminal law field. I do

not necessarily agree with every one of these decisions, but it just is not true, and it does not advance the solution of the problem to assert, that the appalling and still mounting crime wave is due to these decisions. Unfortunately, the crime wave was on the increase long, long before these Supreme Court decisions. Unfortunately, the youngsters of fifteen and sixteen and eighteen and twenty doesn't read the Supreme Court decisions before he commits his crime, and the simplest reading of the statistics and the authoritative reports of groups like the President's Commission on Law Enforcement and the Administration of Justice, conclusively demonstrates that the current crime crisis cannot be laid at the door of the Court. The inexorable fact is that we will not make even a dent in the crime wave until we address ourselves to eliminating the root causes of crime in our society, and to meeting the desperate needs of our law enforcement agencies, to passing meaningful gun control legislation, and to effecting the other far-reaching changes the urgent situation calls for. Seeking scapegoats for our society's ills will delay, not further, the cure.

Of course, I do not mean to suggest that the decisions of the Supreme Court, or of any court, should be beyond criticism. To the contrary, such criticism is an integral part of the professional duty of lawyers and, in a somewhat different way, of lay citizens as well. I have myself criticized certain aspects of some of the very decisions to which I have referred. It is axiomatic, however, that such criticism can be helpful only if it is directed at the decision and not at the judge, only if it is directed at the opinion and not at the opinion writer, only if it is informed and objective criticism. When the holding or effect of a case is misrepresented by those in disagreement with the court, whether federal or state, or when unbridled and unwarranted attacks are made on judges because of their decisions on the unpopular side of public issues, who is to correct the erroneous or unfair portrayal? Certainly not the judges, who under our tradition, may speak only through their decisions, on the cases before them.

Our Canons of Professional Ethics provide a clear answer. They recite:

> Judges, not being wholly free to defend themselves, are peculiarly entitled to receive the support of the Bar against unjust criticism and clamor.

This, then, is our clear obligation as individual lawyers, and it is a positive mandate to the organized bar at national, state and local levels. There have been times when as a profession, on an *ad hoc* basis, we have risen to the occasion. The notable and effective opposition of the ABA

Board of Governors to Title II of the Safe Streets Act last spring is an example. But the ultimate answer, when courts or judges are unfairly attacked, their integrity assailed, the meaning of their decisions misinterpreted, must rest not in sporadic action by some segment of the organized bar or by individuals joined together informally for the *ad hoc* purpose of taking a position in a particularly outrageous case as has occurred from time to time. Rather, the American Bar Association and state and local bar associations, should be organized so that they can act promptly, authoritatively, and on a sustained basis in such situations. That is going to be one of the major planks in my platform this coming year. I hope to get that started nationally and on a state-wide basis and locally. Unless and until this is done, all of us as lawyers will be failing in a solemn obligation of our profession, and the cause of justice will continue to be adversely affected with increasingly grave consequences.

Representation of the Indigent

I can take up only one other aspect of the administration of justice, one which is an integral component of any system of justice in a democratic society—representation of the indigent. Here, our profession as a whole has had little to boast of until recently. Despite the efforts of those inspired bar leaders who carried on the Legal Aid, Voluntary Defender, and Neighborhood Law Office movements in America, the melancholy fact is that over the years, we have not shown much concern for representation of the vast number of the poor of the land—the poverty citizens and the ghetto residents, more than thirty million of our people.

It was government, and not the organized bar, which called attention to the need and took the first step to provide some substantial relief. Nevertheless, one of the shining hours in American Bar Association history came when, at the instance of a great ABA president from the South—Virginia—the ABA embraced the OEO Legal Services Program, and under the successor president, another southerner, gave the program impetus. This helped rekindle the conscience of the bar, and to inspire state and local bar associations, except for a few states, to follow suit. It has also had the effect of maintaining professional control of the program by lawyers, rather than having it directed by laymen, which would have been the result, and which would have been the first professional program in the history of America controlled by laymen. It is my privilege to sit on the governing board of the OEO Legal Services, and I can tell you that the problem is still a difficult one and we still have to be on the alert every second to maintain professional control. What do you think would have happened if the lawyers of America had stayed aloof and

had said, "This is not for us. You people handle it." We would have had that program today controlled by laymen, and I fear in a non-professional way rather than by lawyers.

There are today more than 800 neighborhood law offices in 49 states, the District of Columbia and the Commonwealth of Puerto Rico, employing some 1,800 lawyers providing legal services to the poor. They will handle or advise on 600,000 matters this year. I have been talking with the Congress and with the Administration in recent weeks, and $58,000,000 has been budgeted by President Nixon for this purpose, $8,000,000 more than last year, at a time when almost every phase of the budget is being cut. Yet, we have scarcely scratched the surface.

A fundamental question that cries for answer is: Is it the duty of a democratic society to provide legal service to every person who needs it but has no funds to pay? Can an effort to provide equal rights under law be really meaningful when substantial numbers of our people are without legal representation to enforce those rights, or even to have them explained? Where justice continues to be denied to whole segments of our society, where they suffer the sanctions of the law but have no access to its remedies, where law fails to meet the just expectations of those it governs, is it not inevitable that people will be alienated from society and order will be replaced by instability and unrest?

The grim fact is that if Congress were to appropriate all the money that is needed for legal services to the poor, and the bar were called upon to provide a matching share in hours of legal service, there would not begin to be enough lawyers to fill the need in the urban centers of the United States. This augurs large changes in our conduct and our concepts of the practice of law, both in our private law offices and in the public domain. In medicine, the patient is prepared for the surgical operation by a host of paraprofessionals and subprofessionals who administer the tests, set up the equipment, prepare and often administer the anaesthetic, and ready everything for the entry of the surgeon upon the scene. So also with the dentist, the engineer, the architect. Nevertheless, we in the law continue to perform a multitude of tasks that others should be doing under our supervision. The economics of our practice, and today's demands upon our profession and upon each of us as a lawyer, require that we, too, provide for the training of paraprofessionals, lay assistants for lawyers, and that we learn how to use them. In my judgment, the next decade will see a restructuring of our profession in ways that we cannot even contemplate today.

Lawyers' Committee for Civil Rights

Now I should like to say a word about the Lawyers' Committee for

Civil Rights Under Law. As originally constituted, the committee consisted of most of the 250 lawyers from almost every section of the country who attended a White House Conference in June, 1963. It numbers among its members acknowledged leaders of the American Bar, some of them prominent Mississippi lawyers, and other lawyers from the deep South. Included at the start, and subsequently supplemented since, were three past Attorneys General of the United States—two of whom are on the executive committee—the president, president-elect, and eight past presidents of the American Bar Association, deans of fifteen law schools, the presidents or former presidents of more than half of the state bar associations of the country, and the presidents and past presidents of every significant professional organization of lawyers in America. At the request of President Kennedy, Harrison Tweed, one of America's great lawyers who died at 83 last week, and I agreed to serve as the committee's first co-chairmen, positions we occupied for a period of more than two years.

At the time of the committee's formation, there was a great deal of agitation on the subject of representation in civil rights cases in the deep South. In its September, 1963, report, the United States Civil Rights Commission had reported—and this got a lot of national publicity—that a mere handful of Negro lawyers was providing virtually all the representation in such cases in these areas. An influx of lawyers was invading the South. Friends of mine at the Bar of Mississippi and other friends from other states in the South called me—lawyers whom I respected and with whom I was often professionally associated—and they deplored some of the lawyers that were streaming into the South from all over the country, who seemed as much intent on condemning, without trying to understand the situation of the southern lawyer, as on providing representation. Under those circumstances, and because we recognized the problem that the Mississippi lawyer had as an individual and as a professional man, the committee concluded to open an office in the South.

From the beginning, the purpose of the committee has been to work with and through local lawyers. The members of our committee from the South and I met with the official representatives of the Mississippi State Bar and I had subsequent discussions with association representatives on the subject. Finally, the board of commissioners of this association adopted a resolution of cooperation and the committee's offices were opened in Jackson in June, 1965. Earl Thomas, with whom we had consulted, had completed his term as president of the association, and "Hack" Smith had assumed office. He and I established a policy of regular liaison meetings between a representative of the Mississippi State Bar and a representative of the committee in Jackson. My own communi-

cations with "Hack" Smith during his presidency were frequent, cordial, and constructive, and when "Hack" Smith, Harrison Tweed and I left our respective positions, I think that we could say that the relationship between this association and the Lawyers' Committee was proceeding smoothly, and I am sure that "Hack" and the board of commissioners at that time would so agree.

Subsequently certain misunderstandings arose between the association and the committee. I have expressed the view to some of you that this was largely due to a failure of communication for reasons which I believe no longer exist. I hope that this situation can now be remedied and the former program of cooperation reestablished. The present co-chairmen of the committee are Arthur H. Dean, senior partner in one of the nation's largest Wall Street law firms, and the man whom President Eisenhower called upon to serve as chief negotiator in the settlement of the Korean War in Panmunjon, and Louis F. Oberdorfer of Washington, D. C., a fine lawyer, reared in Birmingham, Alabama, and a former assistant attorney general of the United States. I know that they are anxious to resume liaison with the Mississippi State Bar.

When the Mississippi office was opened, it was clearly understood, by present co-chairmen, the executive committee, and Lawrence Aschenbrenner, chief counsel, who is in this audience, that the office be closed and its activities in Mississippi terminated at the first moment that the Mississippi lawyers are regularly handling the types of cases now being processed by that office, and in the meanwhile are cooperating in every way with this bar.

I take heart, therefore, from the recent action of the board of commissioners of this association in approving and implementing the report of the associations' Lawyer Referral Study Committee, which included as one of four subjects to be handled by the panels to be established on a statewide level the following: "Civil rights, including criminal matters wherein an alleged denial of civil rights constitutes a portion of the defense, as well as cases wherein the client seeks affirmative relief to establish civil rights." But I have heard it said by leading lawyers in Mississippi, and based on my own experience elsewhere, I would concur, that if any such program is to succeed, the organized bar will have to conduct a vigorous education of the public campaign and assure the participating lawyers of Mississippi support against unfair and uninformed criticism.

I learned long ago that in problems involving representation of unpopular parties or unpopular causes in my own community that the individual lawyer representing an unpopular party or cause can never explain his personal situation to the community. That is for the organized bar. Similarly, I have learned that while the American Bar Association

can take the lead in promulgating the principle, it is the state and local bar that has to do the job.

Some of you have from time to time asked whether the Mississippi office is the only, or the principal, activity of the Lawyers' Committee for Civil Rights under Law. I am glad to assure you that it is neither, and that if the only function were to come to Mississippi to provide representation, I would not have accepted the co-chairmanship. Indeed, the Mississippi office comprises a distinct minority of the committee's operations. Thus, over the past two years more than $50,000 has been disbursed by the Lawyers' Committee in litigating civil rights cases in other states, including, but not limited to Louisiana, Alabama and Texas, and representing Spanish Americans and Mexican Americans, as well as Negro Americans. The Committee has also conducted extensive pilot studies on police-community relations in selected cities under a grant authorized by the Attorney General of the United States from the Office of Law Enforcement Assistance of the Department of Justice.

The Committee's largest effort at the present time, involving more than two-thirds of its annual budget, is its Urban Areas Program. With a grant of $950,000 from the Ford Foundation, the committee, working in close association with the Urban Coalition, which has been established by leaders of big business in America to help solve and remedy the urban crisis, is now operating in 14 cities in various parts of the country, all except Atlanta being outside the South, to bring the talent and the leadership ability of the American lawyer to bear upon the critical problems in the cities of the nation. Each city has its own committee, which includes the leaders of the bar in their respective communities, deans of the law schools, and individual practitioners.

So much then for the Lawyers' Committee—for what all of us hope are its very temporary activities here, and for the major contributions it is making throughout the country in some of the most critical problems facing the cities of our nation.

Involvement and Action

Finally, I turn to a domain of public affairs in our present troubled society in which we, as lawyers, can and should exercise that leadership for which our history, our heritage, our education and training, peculiarly fit us. From its early beginnings, this country has been a legalistic society; respect for law has been one of its principal roots. Today, crime on our streets and in our homes has reached unprecedented proportions. Violence is prevalent everywhere. Cherished rights of dissent and protest are being exercised in such a way as to abuse others and deprive them of their

correlative rights. And this is equally true of the mature adult and the adolescent student. Whether we speak of riot on the streets or sit-in on the campus, the pattern is the same—defiance of constituted authority and unrestrained destruction.

What prompts these riots and sit-ins? Is there a common thread running through them? The Negro community, both in the North and in the South, finds that equal opportunity is still an unfilled dream, believes that the differences are narrowing too slowly. And so, the Negro community, while inclined to be more sympathetic to the extremists than it was before, thank Heaven, continues to be unwilling to follow their lead, still does not believe that the only alternative is violence or withdrawal. My concern is that further disillusionment of the black communities of America plays right into the hands of that still extremely small minority that counsels, or is willing to participate in, looting and violence. And so the white community, all of us, must not permit our anger, our disgust with the extremists, to discourage continuing efforts to eliminate the hopelessness of the ghetto and the slum—in housing, in education, in job opportunity.

And the students—they are our children. They come from our homes. They are, to some extent at least, the products of our training. They constitute, I believe, the most concerned generation of young people our nation has known. Accompanying that concern is an unparalleled commitment and activism to reform the institutions of our society which have failed to bridge the gap between expectation and accomplishment.

We should not forget that in some universities, thoughtful, committed students, through peaceful—though sometimes militant—protest have done much to bring about needed restructuring of university administrations and have accelerated university involvement in community problems. One such place is the University of Pennsylvania, where as a trustee, I participated earlier this year in lengthy discussions with representatives of students, all of whom, even during a sit-in, stayed strictly within the guidelines for dissent on campus jointly drafted more than a year before by administration, faculty, and students, and later approved by the board of trustees. The conclusions reached in the discussions with the student representatives were, in my opinion, sound and constructive. Perhaps the administration and we trustees would have reached these conclusions ourselves. At the very least, the students accelerated the pace; they may also have inspired some needed action which we alone would not otherwise have taken.

Elsewhere, this student concern has unfortunately manifested itself not only in militant, but in violent, action. This has led to a backlash against dissent. I see sweeping the country a tendency to relate all dissent

on the campus to the most violent of the campus demonstrations. If reflected in action, such a course would seriously undermine the essential and enduring values of dissent and protest upon which our nation was founded and has prospered. This does not mean that we can condone mob techniques. Order is essential to our national progress, and freedom from fear is a right of all citizens. Violence cannot be tolerated in a civilized society—on campus or in the street. It must be dealt with directly and firmly. Those who maim and burn, who damage and destroy, must feel the full force of the law. But in quelling disorder and punishing violence, we must not forget that one of our great distinctions has been that we are the nation of due process under law. We must not permit the retaliatory device urged by some, that we not merely enforce the law and mete out just punishment by due process means to the perpetrators, but that we counter excess with excess and greet the denial of the rights of others with a refusal to consider the rights of the abusers.

Lawyers need to explain these things. We need to point out the just demands of every group: in the Negro community—demands for decent housing and living conditions, for equal opportunity in education and jobs; in the community at large—demands for domestic tranquility, for peace and safety in the streets, in the home, at business. We need to establish the same kind of dialogue at the universities, in the schools. We need to help our public officials work out the whole vast area of priorities. We need to demonstrate realistically what the cost of achieving these priorities will be, and to persuade the public—our clients—that the cake is worth the penny, the goal is worth the cost.

What a mighty force a united legal profession would be for the solution of these problems. Ours has been a nation in which, up to now, ordered liberty under law has been our great contribution to the civilization of our time. I do not despair that this will cease to be so. I have great faith in the legal profession when it is aroused to action, although I must concede that I have worried over how long this sometimes takes. But I believe that now we are on the move. I take comfort in the fact that the American Bar Association is today exercising vigorous leadership and assuming a broader role as the national spokesman for the bar in formulating, or actively supporting, significant programs of critical concern to our society—crime prevention and control, individual rights and responsibilities, legal services for the poor; in motivating, identifying, and providing the means of higher education and law school training for the Negro, the Indian, the Puerto Rican, and other disadvantaged groups; in analyzing and trying to solve the problems of inadequacies and inequities in housing and urban development; and in entering other relevant areas not assayed before.

But there is so much more that cries for involvement and action. Surely, we cannot be content as a nation until we have eliminated the ugliness and the cruelty of the slum, the violence and rioting, the mounting crime rate, the lack of definition of our country's foreign policy. You will think of others. All of these call for the leadership of the bar, the art and craft of the lawyer.

To meet these challenges is the call of our time upon the profession we cherish. It is the lawyer's opportunity for leadership, the higher calling of the bar. We have made a start, but the long road is still ahead. It is ours to travel, if, in the memorable words of Justice Holmes, we wish "to live greatly in the law."

Hon. Cary Bufkin introduced the next speaker, Hon. Lee Turner of the Kansas bar. Mr. Turner is chairman of the ABA Special Committee on Lay Assistants for Lawyers.

EFFECTIVE USE OF LAY PERSONNEL IN THE LAW OFFICE*

Lee Turner

As never before the legal profession is under attack. Commissions are formed, investigations proliferate. All point directly to the primary challenge of our time: to provide maximum service at the lowest cost consistent with a fair return to the lawyer. On one hand, both critics and clients complain about the alleged high cost of legal service. On the other hand, lawyers supported with statistical surveys, point to the continued erosion of the economic position of the bar. The annual income of practicing lawyers in the United States hovers below $15,000. It becomes obvious new responses are required by the legal profession.

It is axiomatic, time is the only commodity available for sale by the lawyer. Time remains constant while demands on time proliferate. The magnitude of the challenge can be seen when we consider that the sum total of human knowledge doubled in the two hundred-year interval between 1730 and 1930. In the thirty year interval between 1930 and 1960, again the sum total of human knowledge doubled. It has been estimated the ten year interval between 1960 and 1970 will see a redoubling of the sum total of human knowledge. The pace becomes frenetic as an avalanche of information and knowledge thunders down the mountainside of human achievement. As the practicing lawyer attempts to cope with the demands of the client, the information explosion, and the large elements of wasted time due to the working of a tortoise-

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* This speech has been abridged by the Editor.

paced judicial system, he begins to develop the symptoms of battle fatigue. William James described this psychic trauma as "Zerrissenheit," which, translated literally, means torn to pieces-hood. Everyone of us is acquainted with the symptoms of this illness.

The challenge is clear. What must be our response? The philosopher Santyana puts it this way: "Those who do not learn from past history are condemned to relive it." Thus the lawyer has the following alternatives available: first, to preserve the status quo, which simply means to attempt to perform service based on ossifying knowledge with the spectre of liability for malpractice looming ever larger; second, remain knowledgable by devoting the time necessary to cope with the information explosion all at the cost of reducing the time available for remunerative effort, and while so doing, suffering a progressive erosion of his economic status; third, adopt the principle of systems management, thereby embracing the future and moving the practice of law from the past through the present and into the coming age of cybernetics. Cybernetics is a word coined by the late Professor Norbert Wiener for his book by the same name written in 1948. It stems from the Greek and simply means steerman. In contemporary application it refers to a servo-mechanism whereby machines and computers are endowed with a sense of purpose for the control of other machines. Today, the Internal Revenue Service is reputed to have all tax decisions through all courts programmed and immediately available on analytical basis both to the government and its prosecutors. Technically feasible now is the routine computer availability of all legal precedence bearing on any particular question.

There is no mystery as to the science of systems management. The principle is most simple. First, one must learn to organize and delegate. Lawyers oftentimes seem baffled by the progressive distance between lawyer's income and doctor's income. The answer is simply make an historical comparison. In 1900 the lawyer was located in the county seat. If clients desired to see him, they hitched up their horse and buggy and drove to the lawyer's office. On the other hand, if the doctor was to see a patient, the doctor had to hitch up his horse and buggy and drive to the patient's home. Much time was lost in the process and thus his production was limited. The result, the lawyer saw many more clients and earned approximately twice the income of the doctor.

What has occurred in the meantime to reverse the situation? The doctor learned to organize and delegate. When we call the doctor's office today, we first make an appointment, not through the doctor, but through his appointment secretary. As we appear on the appointed date, we give our names to the nurse at the desk and we sit down and wait, after first giving information as to the source of our ability to pay. After some time

elapses, the patient is finally taken to the examining room and again waits. Finally, instead of the doctor, a nurse appears who takes the initial history, blood pressure, pulse rate and if laboratory analysis is desired, a blood sample and urinanalysis for submission to paramedical personnel to assist the doctor in his diagnosis. The patient is flattered by the nurse's interest and interrogation as to whether the prescribed regimen for the past several weeks has been obtaining beneficial results. The patient is totally unaware of the true purpose of the inquiry. Before the doctor appears, he has a short consultation with the nurse for the purpose of determining the attitude of the patient. Is the patient happy or unhappy with the previous diagnosis and recommended treatment? Forearmed with this information, the doctor appears. With an air of calm omnipotence he listens to chest, heart sounds and assures the patient he is progressing well. In the event the nurse has informed him the patient is unhappy with his progress, the doctor will exhibit some degree of concern and deliver himself of the observation that he is not satisfied with the progress noted and thereafter makes a slight change in medication. With a pat on the back for male patients and other assurances for female patients, the doctor disappears. The patient who has waited in excess of one hour and who has been handled by at least two paramedical personnel, as well as the doctor himself, is unaware of the fact the doctor has spent less than three minutes with him. The nurse again appears and administers the prescribed shot and prepares the patient for further tests, if necessary. The patient thereafter reports back to the desk and pays the bill if arrangements have not already been made. No one thinks to compute the doctor is making anywhere from sixty to a hundred dollars an hour through this procedure.

Contrast this situation with the present practice of law. As in 1900 the client calls at the lawyer's office. He reports his name to the secretary and then patiently awaits the interview. Coming directly from the waiting room to the lawyer's office, he unburdens himself of his history directly to the lawyer. The lawyer thereupon listens to the current complaint. Written documents are necessary. The lawyer dictates all papers and thereafter visits with the client to kill time while the papers are being typed by his secretary. Quite often, he is required to give a detailed explanation to the client, including a review of the applicable law, attempting to convince him of the legal necessity for the recommended action. The client oftentimes remains dubious. After preparation of the necessary papers, the lawyer notarizes the client's signature. Prior to the time the client leaves, the lawyer negotiates prospective cost with the client.

Lawyers delude themselves by believing only a lawyer can deal directly with the client. Complaint is made that law is too complex to

delegate internally to non-legal staff. Before accepting this premise let us make a further comparison. A revolution in systems management has already occurred in industry. For example, within the next few months we expect to place a man on the moon. Certainly our leading rocket expert, Werner von Braun, will not do this by himself; it will be done by utilizing the productive efforts of tens of thousands of people, many with only elementary skills. How? Through the principle of task analysis. In other words, the breakdown of the complex to the simple with exacting detailed procedures to be followed. If man can go to the moon with reasonable prospects for a safe return to earth, surely lawyers can move into the twentieth century world of efficient business management. The dinosaur failed to cope with change and perished from the earth. The parallel exists.

Systems management in the law office remains only tentative and uncertain. If the School of Business of Harvard University were to conduct a survey of today's law office, initial laughter would probably be followed by tears as it contemplated the tremendous waste of time and skill involved. Let me make clear, this reaction would apply to the office of Turner and Balloun, which has only tentatively and in a rudimentary form attempted to cope and adapt to systems management. Turner and Balloun is a young firm evolving from a sole practice established in 1953 to a partnership today with three active lawyers and 23 para-legal personnel. Our office is located in a county of 34,000 population. The practice, however, covers 65 counties of a total of 105 counties in the state, or approximately 60% of the land mass. The area involved is 200 by 250 miles with a population of approximately 600,000. The practice is general trial practice primarily orientated to the defense of negligence, workmen's compensation actions and product liability with emphasis upon automobile accident cases. Thirty per cent of the practice is devoted generally to diffuse business and probate law. With regard to volume, in excess of three hundred new files are opened each year. The average annual growth rate has averaged in excess of 20% over each preceding year. Traditional response of the law and the pressure of increased business is to employ more lawyers. In a law firm with a rapidly growing practice this can result in a concentration of lawyers in the same age group. With regard to expense, we all know good lawyers require substantial remuneration. After working as a sole practitioner with three secretaries, it became necessary to add a new member to the firm with the idea assistance would be readily available in a practice involving, among other things, 30 to 35 jury trials a year. I chose a man who had practiced law approximately five years, was first in his class in law school and editor of the law review. I chose well. The only problem was that

within six months of his association he had become so busy dealing directly with new clients that the time for helping me had ceased to exist.

The lesson was clear. Either many more lawyers would be needed with consequent problems attendant thereto, or new solutions must be found. With regard to the solution adopted in my office, I want to emphasize the solution adopted was not mine. I was fortunate to marry a woman who was a Phi Beta Kappa in personnel administration. As my symptoms of battle fatigue progressed, her concern finally led to a detailed analysis of the operation of my office. Somewhat to my chagrin she found many of the things I did could be performed by others. A review of past files indicated that work fell into catagories, much of which was repetitious. Following her recommendation, our breakthrough came with the use of non-legal personnel.

Today, the most under utilized resource available to lawyers is the college educated woman whose family demands have diminished and who desires the intellectual stimulation of a demanding occupation. I cannot too strongly stress the importance of education. Education is to business precisely the same as fertilizer is to farming. We are all acquainted with the story of the Ford Motor Company verging on collapse at the end of World War II. Ford Motor Company solved its problems, not with money, but with people. We all know the story of the Whiz Kids, headed by Robert McNamara, who brought the science of systems management to Ford Motor Company and achieved one of the remarkable recoveries in the history of American business. Demands of university life condition the individual for the pressure of deadlines and the necessity of individual responsibility. In recruiting this type of individual, we have found that the challenge of mental stimulation is primary with money being secondary. In the early forties, demands of family life have sharply decreased, pregnancy is seldom a problem, and a desire for change becomes strong. Offer a position combining both mental stimulation and responsibility, and women in this age group are made to order.

In analysing the use of non-legal personnel we must all remain cognizant of the turnover problem. Bureau of Labor statistics show that the stability of female personnel in the United States is poor. Following are the statistics:

> (a) 20% stay one year, (b) 12% stay two years, (c) 9% stay three years, (d) 13% stay three to five years, (e) 12% stay five to eight years, (f) 4% stay eight or more years.

Turnover in law offices remains a major problem, and Turner and Balloun is no exception.

We have worked out our solution in the following manner: all dictation is performed through machines, the belts of which are forwarded to the record transcription group. This group is comprised primarily of the newest employees or possibly short-time personnel. Dictation is transcribed in final form, if possible, and submitted to the specialist for approval. If the transcriber is unable to place the same in final form, she simply prepares a memo of the dictation and forwards it directly to the specialist in that category. A specialist reviews all final work product of the record transcription group. From the record transcription group promotions to stenographers are made. Stenographers are used for the purpose of performing routine matters without the dictation of a lawyer, submitted to the lawyer only for final approval. The third category utilized is the most important; that is the development of non-legal specialists who become masters of any field in which a procedure has been established. Through the use of the non-legal specialist, the burden of routine has been lifted from the lawyer's shoulder and the productive hours of the day become multiplied and the symptoms of battle fatigue diminish.

There is no mystery as to the development of procedures. Any time a lawyer finds himself dictating off the cuff, reveling in the satisfaction that he knows the field, cursory analysis would reveal to him the possibility of establishing a detailed procedure which could thereafter be done by someone else. An analysis of any repetitious task can always lead to the establishment of a procedure in any field of law. Our experience has led us to the conclusion that whenever a lawyer dictates without reference to form books or other visual aids he is using terminology that he has used in precisely the same manner many times before. Thus, any task, coming easily to the lawyer without reference to such aids, can and is broken down into established procedures. The use of procedures leads to uniform quality. Work, with the pressure of time, even repetitious work, will quite often find the lawyer omitting important features. With a procedure it becomes axiomatic that less error exists through the use of non-legal personnel applying the procedure than if the lawyer did it himself. One caveat is in order. There must be periodic audit to update procedures and eliminate error. Every three months a procedure should be reviewed and updated. Otherwise, the principle applies that, "He who does not blame, approves."

In considering the application of these principles to the office of Turner and Balloun, let us first review the problem of mail. Mail is opened, examined, calendared and a tickler prepared on answer dates, hearing dates or other deadlines by the calendar specialist before any other person, including the lawyer, is permitted to review. Responsibility

is vested in this specialist through the use of a mail procedure, and the lawyer is freed from worry of deadlines falling without his knowledge. When the mail brings a defense file to the lawyer's desk, the lawyer reviews the file, dictates an acknowledgment, answers a demand for jury trial, lists the witnesses to be deposed, outlines the general area of questions to be covered by interrogatories and sends the file, together with the dictation, to the record transcription group. Thereafter the transcription group types the acknowledgment and answer on the demand for jury trial and prepares memos for the trial specialist and the deposition specialist.

The trial specialist prepares the interrogatories for the attorneys' approval, makes a tickler for the answer date, and when the tickler's appearance discloses that adverse counsel has failed to answer interrogatories, a followup letter is forwarded by the specialist to the delinquent attorney. If the reminder letter is unanswered, a motion to compel answers or dismissal is prepared and submitted to the attorney for approval and filing. The deposition specialist maintains a master file with the location of all counties in which litigation is pending, together with location of all witnesses to be deposed, as well as hearing dates in particular areas.

In the wide geographical area covered, the firm has found it necessary to use air transportation, through ownership of a twin engine air plane traveling at a speed of approximately 200 miles per hour. It is the responsibility of the deposition specialist to schedule dates for hearings, together with depositions, all for the purpose of maximum utilization of the lawyer's time. Deposition procedure requires the issuance of notice to take depositions, subpoenas, mileage and per diem payments, arrangement for appointments with our client in advance of the deposition, if necessary, forwarding of instructions to defense witnesses and arrangement for ground transportation to and from the airport. As many as twenty depositions in three cities and two states have been taken in the course of a sixteen hour day.

Incoming interrogatories follow an established procedure. The trial specialist receives the incoming interrogatories and prepares any motion requesting additional time in which to answer. Thereafter, the trial specialist reviews the file, prepares tentative answers consisting of statements and other file information and forwards a copy to the client for his preliminary answers. Incoming interrogatories are a boobytrap for the unwary. We are all aware of how little information the respective sides in litigation attempt to reveal in response to interrogatories. At the same time, if answers thereto are inconsistent with file information which must be produced by order of the court, the exposure of the inconsistency can

be devastating in the court room. Through the procedure utilized in our office, upon return of the client's answers, both file information and client's response are collated into a form most consistent with the file information available and thereafter submitted to the reviewing attorney for his approval. Through this system when statements are produced pursuant to a court order, there will be no discrepancy between the information, statements and the answers made to interrogatories. File briefs are prepared when principal witnesses have been deposed and interrogatories answered. The information is thereafter collated in a comprehensive review and outline with the lawyer dictating his final analysis and recommendation to the client's insurance carrier.

As pre-trials are set, the trial specialist must outline depositions previously taken so that inconsistencies in testimony may be compared with inconsistent answers to interrogatories, or previous testimony. All material is collated into a pre-trial notebook outlined and indexed together with applicable exhibits. A tentative pre-trial order is prepared and if legal questions are routine a brief applicable to the questions involved is taken from the brief file and Shepardized, and routine instructions are prepared from pattern instructions of Kansas.

The trial setting requires application of another procedure. The trial specialist immediately notifies client and all witnesses of the trial date with a form letter. Client and key witness interviews are scheduled, subpoenas prepared and issued and a review made of the jury list with analysis of all prospective jurors. Arrangements are made for the presence of all medical and other expert witnesses at particular times which have been established through previous experience. In the event of a continuance or settlement, the trial specialist immediately notifies all witnesses of the cancellation or rescheduling. She negotiates the appearance of the expert witness on a later date, as well as all other necessary witnesses.

In connection with appeals, an appellate procedure is established whereby the appellant specialist prepares journal entries in all completed cases, prepares post-trial motions and rulings on post-trial motions, prepares all papers in connection with appeals, including compliance with formal steps in accordance with a ticklered step-by-step procedure, prepares the initial abstract for the record followed by final abstract in conjunction with review and recommendations of a lawyer. She files motions for additional time for preparation of the record as may be necessary and retrieves from the brief file a brief dealing with the legal questions applicable submitting the same to the attorney for incorporation in the instant case.

Nothing gladdens the heart of a defense lawyer so much as the receipt of a good plaintiff's case. With regard thereto, certain procedures have been established. When a prospective plaintiff client calls, he is referred to a lawyer for a short initial interview. In this interview, the lawyer first determines if a conflict of interest is present; in other words, is the action against a regular client of the firm. If not, the lawyer thereafter hears a brief resume of the facts and determines whether the case is one in which the firm desires to involve itself. Arrangements on the fee are made. After this short space of time, the client is then referred to a specialist, who, through an established check list, interviews the client in great depth covering all aspects of the following: past medical history, past history of accidents, history of present accident, facts of circumstances, present medical history including detailed history of client's present physical complaints, job history, list of doctors treating, medical expenses incurred, medical authorizations obtained, and employment contracts prepared.

After this interview, which can last one or two hours, the lawyer then reviews and conducts a short followup interview and ushers the client from the office. At this point, the client has had the attention of the total office for a time usually in excess of two hours. He is usually totally unaware of the fact that of the two hours, perhaps ten or fifteen minutes are spent with the lawyer. At this point, the file is returned to the specialist for followup notification to adverse party and carrier. Representation is affirmed and arrangements are immediately made for an interview with representatives of the adverse party or alternatively the filing of suit. This same procedure requires the availability of competent medical testimony through referral to specialist for the purpose of examination, rating, and possible testimony. Thereafter, procedures similar to that previously referred to at length in regard to defense litigation are followed.

Workmen's compensation has become highly stylized in Kansas and quite expensive to litigate. Being highly stylized, however, it lends itself to development of procedures on either the plaintiff or defense side. When a claimant case appears, after the initial lawyer interview, a specialist interviews in depth and prepares the following documents: (1) claim for compensation, (2) request for hearing, (3) medical authorization, (4) employment contract, (5) schedule physical examination, (6) makes demand for medical information in possession of respondent or insurance carrier, and (7) prepare proposed summary of issues involved.

Thereafter depositions are taken in accordance with the established routine. After an award has been made, the workmen's compensation

specialist examines the award, together with the money payment from the adverse carrier to determine if the payment is in compliance with the award. If not in compliance, the statutory demand for payment for compensation is filed, tickler prepared and if all payments are not brought to date within twenty days, as required by Kansas law, suit is prepared for lump sum payment with the entire balance being due under the award. Many are the cases where respondent and insurance carrier fail to pay all payments required under the award with the result, total payments are made where diligence would have required the payment of much smaller sums.

Friendly hearings consume much productive time. In our office, the time is minimized through a procedure whereby the lawyer briefly reviews the file immediately prior to the hearing itself with all steps up to that time having been performed by a friendly-hearing specialist acting in conjunction with representatives of the insurance carrier.

Subrogation represents an area where law offices usually lose money. They handle subrogation cases in the belief this service must be rendered to the insurance carrier if important matters are to be referred. We do not lose money because we have established a procedure resulting in all steps up to filing of the suit being handled by a specialist. If a suit is to be filed, the attorney examines a brief summary prepared by the specialist to determine whether the suit is or is not feasible.

Billing of clients usually is a dreary chore for most lawyers. In our office a detailed procedure is established for the purpose of billing and itemizing all charges made to the file. A full time billing clerk utilizes approximately one half of the productive time of an assistant.

In summary then, the principle is followed that no lawyer performs work that can be handled by a person less skilled than himself. This refers to other lawyers. The same system applies to para-legal personnel. Frequently para-legal personnel dictate to the transcription group. With this principle in mind, the following areas are handled entirely by non-legal personnel: accounting, appointments, bills and transmittal letters, billing procedure, all forms of typing, calendaring, docket, all types of office equipment, supervision and maintenance of file, maintenance of library, incoming and outgoing mail, training and supervision with regard to maintenance of MTST and IBM automatic typewriter, payroll, record transcription, supplies, telephone, ticklers, transcription training, and travel charges.

Training of personnel presents a major problem. Solution to the problem is application of the principle of redundancy. Training procedures must be established by the attorney. After preparation, the attorney must closely supervise the training of the initial specialist. After

training, however, redundancy must be built into the system. In other words, the specialist must train a backup or secondary specialist who can assume the primary role in the event of absence or resignation of the primary specialist. Unless a new field of specialization is opened, the training function will be conducted by the non-legal personnel.

In the application of these principles one of the primary questions refers to the matter of cost. The following schedule may be of some help in this regard:

Analysis of Overhead Costs

Florida Bar 1966 Survey, based on 408 lawyers, 281 Law Office Economics and Management:

	Year	Non-Lawyer Employment	Space	Library	Other Expenses	No. of Non-Lawyer Employees
Fla. Bar	1966	14.2 %	5.7 %	1.7 %	14.2%	
Turner & Balloun	1964	14.38%	7.63%	.49%	12.0%	10 employees
Turner & Balloun	1965	14.88%	7.53%	.83%	15.2%	12 employees
Turner & Balloun	1966	13.87%	4.9 %	.49%	12.0%	20 employees

Development of non-legal personnel pays. The minds of men can move mountains, the minds of non-legal personnel can transform the practice of law. Properly challenged, initiative and motivation knows no bounds. Accomplishment carries with it a sense of loyalty to the organization in which they plan an integral part. The result—the lawyer is freed from repetitious tasks. He can turn to the unique and productive effort he and only he can perform. His attention to detail decreases, guidelines improve and symptoms of battle fatigue diminish. In responding to the challenge of our time, lawyers must learn to use any and every tool available, freeing time and in effect thereby extending time. Analysis, organization, delegation and utilization of resources and abilities of non-legal personnel represent the area in which the response must be made, the challenge can and will be met by the bar.

Hon. Erskine Wells introduced the next speaker, Hon. Mark Martin, past president of the Dallas Bar Association.

MORALITY AND THE FAULT SYSTEM *

Mark Martin

I first want to say to President Curtis that never have I been so royally treated. I thought that Joe Wheat, President-Elect of the Texas State Bar and I knew something about Southern Hospitality, but, Joe, we are being taught something here in Mississippi. This Mississippi brand of hospitality gets the first prize in my book. They have really taken care of us, and all that I can say is that when you come to the American Bar Association meeting in August in Dallas, I just hope that we can do half as well at being hospitable as you have done here during this convention, Mr. Curtis, and we appreciate it very much.

Gentlemen, I have no funny stories to tell you—this is a very important subject, and I will try to stay with it. As a matter of fact, I think it will be more in the nature of a lecture on morality or even a sermon than a speech about the law.

You know, the law has to be based on moral principles or it is not sound, and I think we must all go back to the fundamentals and realize that more and more. You know, really and truly, lawyers are pretty important people. Without lawyers there is no law. Lawyers are the regulators of society. It is, therefore, our burden to support and defend valid legal principles. This is so, not for our benefit, but for the benefit of the people, and we must never forget that. We lawyers know that for the law to be sound it has to be based on moral, ethical, and religious principles. The law need not in every case be identical to the rules of morality, but it certainly must be in general conformity with the rules of our religious faiths and our moral and ethical standards.

I am going to talk to you about the moral principle of individual responsibility for a man's conduct, and I would venture to say that no place in the nation is this principle of a man's individual responsibility for an individual man's own conduct—no place in the nation is it better understood than right here by you men of Mississippi. You know that each man has to be held accountable for his conduct no matter who he is, no matter whether he is a minority, a majority or whatever his race is or anything else—he has got to be held accountable for his conduct. You know, and I don't have to tell you, that one of the most deeply held principles of our Christian faith and the Jewish faith is man's individual accountability for his conduct.

Now our tort law principle of fault, the fault principle that we apply generally in our tort cases, is based on that moral principle of responsi-

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* This speech has been abridged by the Editor.

bility for a man's conduct. That is the key to it, and I say that as long as we hold to our moral and religious convictions that a man is accountable for his conduct. We must hold onto the fault principle of law for resolving disputes between people who harm each other. But I say to you also that the fault principle is now in jeopardy. There is no real public clamor against the fault principle, but the attacks on it seem to come from two general sources, as I detect them. One is certain academic people, who, for some reason, seem to be able to think only in pragmatic terms rather that in moral principles. Now I don't say that of all academic people. And don't misunderstand me that I am against college professors, because I am certainly not. I have served as one briefly myself, and I think I know a little about the academic world. I am not indicting it in general, but for some reason, a group of academic people have entered this field that we are in such controversy about, and apparently they want to spread the money around based only on considerations of financial need and who can pay rather than the moral and ethical principle of justice that we are talking about here—that is—a man's responsibility for his own conduct. For some reason, they favor short-cuts and expediency to achieve certain social goals at the cost of basic moral principles.

Then the second attack, or the second source, unhappily, comes from certain segments of the insurance industry, who have joined in the attack because, I think, of their unfounded concern for their own economic survival. These particular segments of the insurance industry seem to fear that they can't continue to sell automobile liability insurance coverage for the prices that they must charge in order to make a profit or to come out even under the present rules, and so they want to change the rules. This seems to be the basis for their attack.

Now because of the pressure from these two sources, this furor over automobile liability insurance has reached such proportions that by early or middle 1968 there were already five major federal government investigations underway on this subject, and, gentlemen, when you have got five government bureaus and agencies on your hands you have got real trouble, as all of you know. The two active ones today are this two million dollar Department of Transportation investigation, that was commenced a few months ago, and the investigation being undertaken by Senator Hart's Antitrust Subcommittee.

Now all of this federal activity has served to aggravate the situation in that these federal investigations have, in turn, absolutely terrified the insurance industry. As a matter of fact, I think they are so "shook up" over this that probably most of you who deal with insurance companies regularly should try to forgive them for their mistakes because they "know not what they do." And in addition to the federal government in-

vestigations, legislative activity on this subject has gotten underway in at least fifteen states.

And so, Professors Robert E. Keeton and Jeffrey. O'Connell, with their book, "Basic Protection for the Traffic Victim," published in 1965, have turned out to be the Ralph Naders of the automobile liability insurance industry.

Now let's look specifically at the criticisms that have been voiced by these professors and by others of the present system based on fault liability, and let's examine those criticisms. They mainly boil down to five complaints about the fault principle system that we presently operate under in automobile cases, just as in any other tort case: One, court congestion; two, delayed claim payments; three, difficulty of proof of negligence in automobile cases; four, unfairness in the distribution; and five, the high cost of insurance premiums.

Now are these really valid criticisms either on principle or even on the practicalities of the situation? As for No. 1, court congestion, even Professors Keeton and O'Connell have apparently now retreated from their contentions about court congestion and court delay because legal and judicial groups all over the country have demonstrated that this is not the problem that it has been claimed to be. True, court congestion exists only in a comparatively few metropolitan centers, and it has been shown even in some of them that it can be cured by a proper judicial administration and certainly by establishing enough courts. And then what part do these automobile cases play in the work load of the judiciary? Well, to the surprise of a lot of people, it turns out that less than one-fourth of the civil cases filed and tried in the state courts of this country are automobile liability suits.

Now as to the second criticism of the torts principle system, delay in claim payments, the truth of it is that 94% of automobile liability claims are settled without any suit being filed. Four percent result in suits that are settled without a trial, and only two percent result in a trial with a final verdict. Furthermore, sixty-eight per cent of the *claims*—all claims, not lawsuits, but all claims—are settled and paid within three months and ninety per cent within a year. Is that sufficient delay to cause the entire system to be chucked overboard?

Then as to the third charge, I say that those that make that charge, that is, that it's too difficult to prove negligence or contributory negligence in automobile cases, really have not been very persuasive. They must not have had anything to do with oil field accident cases, antitrust cases, securities fraud cases, construction contract cases, construction accident cases or patent cases, or any other complex cases, many of

which are far more complex and difficult to prove than the ordinary, usual automobile accident case. So that argument undoubtedly fails.

The fourth charge, of unfairness in the distribution of justice, begs the question by assuming that the purpose of tort law is to measure the damages and that questions of justice go out the window. So they assume that if some people don't get paid for their injuries that there must be something wrong with the system.

Now as to the fifth, the high cost of insurance premiums, this is really the complaint with the sex appeal! It is the one that makes the people want some kind of change. Now just how *valid* this charge of high cost of insurance premiums really is makes no difference. The trouble here is that people do get upset about the high cost of insurance premiums and probably something is going to have to be done about it. They get upset despite the fact that *other* prices are high, too. The truth is that in the ten year period from 1956 to 1966 automobile liability premiums went up at approximately the same rate as the consumer price index. And for the 20-year period from 1947 to 1967, personal income in this country went up enough so that that portion of individual income spent for automobile liability insurance had actually dropped during that 20-year period.

So why do people get so upset about the rise in the cost of liability insurance? Well, there may not be a valid reason for it, but I think that it is probably a psychological one in that when people buy liability insurance they can't see it or hear it or use it or feel it as they can other kinds of products that have high price tags on them. A new refrigerator or a new automobile may also be high priced, but there it is—you can see it, you can use it, but automobile liability insurance is just something to pay, like taxes, and so people naturally complain about the high cost of insurance premiums, whether it is justified or not.

Well, so much for the five criticisms of the present system. Now let's look for a little while at what the reformers propose, and I think we must bear in mind at all times that we must not just be against all change; we must consider proposals and weigh the merits of them, but weigh the merits against the principles involved and not just the practicalities. We have to consider both.

The Keeton-O'Connell plan first—it came first: it would invoke a change in the substantive law, not just insurance, so as to abolish tort liability in automobile accident cases for the first $5,000.00 of pain and suffering and the first $10,000.00 of all other damages. And then in the place of this abolished tort liability up to those tops, there would be a compulsory insurance policy that would provide for payment up to $10,000.00 to the policy holder or occupants of his automobile—up to

$10,000.00 of his net economic loss—*regardless of fault,* and this net economic loss would be arrived at by first deducting all collateral sources of indemnification, including wage continuation, and by deducting fifteen percent of that total because of there being no income tax for the claimant to pay, and then by deducting further another ten percent or another $100.00, whichever is greater. And so Keeton-O'Connell was pretty revolutionary.

But the AIA plan is really Keeton-O'Connell gone wild. For your information the AIA is the American Insurance Association, which is made of many of the well known old stock companies of the nation. Now Keeton-O'Connell's proposed change of the present law at least has a top of $10,000 on it and doesn't change anything above that top, but the AIA plan is completely topless. It isn't even more attractive for that. The AIA simply abolishes all tort liability as to automobile accidents. It would completely absolve all of those who caused automobile accidents from all civil responsibility for damages inflicted on others and it would compel automobile accident victims, in effect, to pay for their *own* injuries through their own compulsory purchase of accident and disability insurance to cover the occupants of their cars. So, in order to register your car, you would have to buy a policy that would pay you and your passenger certain benefits in case of accident. And would you believe, the owner, say of a commercial fleet of trucks and his insurance carrier would have no liability whatever to anybody they can damage except for the occupants of the trucks themselves? Of course that's not very many people—the truck driver and maybe a helper. So, under this system, obviously, a long haul truck would be a safer insurance risk—not a safer safety risk, but a safer insurance risk—than your family automobile would be! And this would have to shift the major premium load to pay for this insurance from commercial vehicles to the private passenger car owner, like you and me. That is the AIA plan.

Now let's hold up a minute my moral arguments for retaining the fault principle of liability and try to look at what the so-called practical of the insurance industry themselves have to say. Early in the history of Keeton-O'Connell the Kemper Insurance Group in Chicago—many of you are probably familiar with that group of insurance companies—actually employed Professors Keeton and O'Connell to help that group of insurance companies understand the Keeton-O'Connell plan. Actually, I have given you only the high spots of it. It is a very complex thing—as a matter of fact, one of the objections to it is that it would probably be unworkable because it is so complicated—but the Kemper Group hired Keeton and O'Connell, the two professors who formulated it to come to Chicago and to conduct seminars or work shops for 200 of the key

management and professional and technical personnel of that group of insurance companies, to explain the plan to them so that those companies and people could not only understand it, but evaluate it and decide what their conclusion about it should be.

This project, linking Keeton and O'Connell directly with a large group of insurance companies, scared a lot of us lawyers who knew about it at the time, but I must add hastily that the final result of that collaboration between the Kemper group and Keeton and O'Connell was quite gratifying. Mr. Jim Kemper, president of those companies, after this six months study during which Professors Keeton and O'Connell were on his payroll, had this to say—this is the conclusion of the man that hired them. He says that Keeton and O'Connell "have failed to sustain the burden of proof which society must require of those who seek drastic change in a major social and economic system." He then went on to point out certain defects in their plan having to do with questionable savings, consistutionality of it, distribution of the costs, competition, interstate complications and regulation, and many other things. Now that's from the man who hired the two professors to explain the plan to personnel of his group of companies.

Then after Keeton-O'Connell came the AIA plan, and at that point, any accord that had existed within the insurance industry seems to have quickly disappeared. Even among the AIA companies there is no real unanimity. It has been half seriously reported to me that when the AIA plan was announced at the Press Club in Washington on October 21, 1968, that everybody present turned out to be against it except the waiters—and nobody asked them.

The American Mutual Insurance Alliance, which is another big trade association of insurance companies, representing most of the mutual companies of the nation, seemed to be ready to do battle with their competitors of the AIA as soon as the AIA plan was announced; that same day they issued a press release which had many things to say about the AIA plan, including these:—this is what the mutual companies had to say about the AIA plan—"The promise of cost reductions up to 45% is an empty promise based on invalid cost comparisons, an unrepresentative sample and a thicket of shaky assumptions."

Now let me make one thing clear at this point. As many of you may suspect, I have made a substantial portion of my living for thirty-two years out of representation of insurance companies of all kinds—big ones and little ones, mutuals and stock companies, companies that belong to the AIA, companies that belong to the Mutual Alliance, and companies belonging to the other trade association, the National Association of Independent Insurances.

I have surely had no preferences as to the type of company. I have never cared which trade association they might belong to, and I fully realize now that if I continue to berate the AIA plan, I may be running some risk economically. But I can only hope that the AIA company men will at least have some respect for me for speaking out on what I believe to be right, and I hope that many of you here in Mississippi will join us here in this effort by speaking out yourselves for what you think is right on this controversial matter.

Now the pressure of five federal investigations may have pushed the AIA to come up with a plan in an effort to show Congress that these insurance companies are not unmindful of the problem and are trying to solve it. Maybe this is the reason for it. The fact that the AIA plan was announced in Washington rather than in New York where the home office of the AIA is may be the tipoff on it. Although these companies may have proposed the AIA plan out of a fear of federalization, I think that the actual adoption of their plan would *increase* the likelihood of a federal take-over rather than decrease it. I ask you, wouldn't it be simpler for a federal bureaucracy to take over a first party insurance system rather than a third party liability system? You don't have to think about it very long to see that it would be much easier to take over a first party system than a third party system, and I think that is inevitably the next step if the AIA plan should ever be adopted.

Now I should add that there are a few of what might be called bright spots on the horizon. It's not all black and cloudy from the aspect of the AIA plan and the Keeton-O'Connell plan. *One of the bright spots is that the American Bar Association has placed itself on record in opposition to any proposal which would abolish or substantially abolish the fault principle for automobile accident reparation systems.* This action was taken by the ABA at a meeting of its House of Delegates in Chicago this year in January. The ABA specifically voiced its opposition to the Keeton-O'Connell and AIA plans. Some questions within the ABA study were left for later determination to be decided by the ABA at the Dallas meeting this year, and I hope you will be there to be heard from.

Now there is another possible bright spot on the horizon in what has been called the Cotter plan. The Cotter plan consists of ten legislative proposals. It is not a plan in the sense that the AIA is, but it consists of ten separate legislative proposals that Insurance Commissioner William R. Cotter of the State of Connecticut has proposed. I don't say that it is the answer to all of the problems, but it is certainly something that should be considered by all who are interested in this subject, and every lawyer should be.

Both the Federation of Insurance Counsel and the International

Association of Insurance Counsel, while not expressing actual support of the plan, have indicated that Mr. Cotter's proposal merits careful consideration. The Cotter proposals present what might be called a compromise. I am just hoping that they don't compromise with principle too much. Now there are ten of them—four of them appear to me to be vital. They are these:

(1) Medical payments coverage under Cotter would be required to be increased to a minimum of $2,000 plus lost income benefits up to $500 per month for 12 months.

(2) Certain standards would be established for determining damages for pain and suffering. Now plaintiffs' lawyers may not think they can live with this one, and I would not differ with them, but this is in it. Certain standards for determining damages for pain and suffering and inconvenience would be established based on fixed percentages of medical expense, like medical expense plus fifty per cent or plus a hundred per cent for pain and suffering. But the important thing there is that fault would still be the factor that determined whether the claimant was entitled to those damages or not, pain and suffering. That is, anything other than the $2,000 medical pay and the lost income benefits up to $500 a month. Then it also goes on to provide that under exceptional circumstances a court or jury would be entitled to exceed those set standards or formula for the pain and suffering. I am not sure what the exceptional circumstances would have to be; I am sure that that would have to be a legislative matter.

(3) The third Cotter proposal would provide for comparative negligence, special verdicts and contribution among joint tort feasors, all similar to the Wisconsin procedure. Now many of us would propose some of those things if that is the only change that would come about, and could feel quite comfortable in going along with such changes if they were a part of, say, the whole Cotter plan or proposals, or a part of the comprehensive good change that would not alter the fault principle, or the adversary system of justice.

(4) Then the fourth Cotter proposal would provide for mandatory arbitration of all personal injury cases under $3,000 with either party being entitled to a court trial if he disagreed with the arbitration findings.

The Cotter proposals also go on to provide for a limitation in plaintiffs' attorney's fees, to provide that advance payments would not be construed as an admission of liability and would be set off against any judgment. They contain a proposal about a set-off of fifteen percent for income tax purposes of the total amount of the loss of future earnings; they provide a stiff penalty for false and fraudulent claims, and provide for

open competition rating law, and insurance companies would be restricted so that cancellations could only be made because of nonpayment of premium or suspension or revocation of the driver's license or of the motor vehicle registration.

Those are the ten Cotter proposals, and while some lawyers might be expected to resist, for instance, the pain and suffering provision or the contingent fee restrictions, it must be recognized that certainly the Cotter proposals are not as drastic as those of Keeton-O'Connell or AIA, and the Cotter proposals do retain the fault principle of liability for both sides.

It seems to me that it is incumbent upon all of us as lawyers to examine such proposals as Mr. Cotter's carefully to see whether they might provide the means through which the present system could be improved for the benefit of the public which we serve. It may be that it would accomplish more or less loss of principle than any other. I have not studied the applicability to know whether I would say that this is the answer to all problems, but it is certainly one that should be considered.

Now, undoubtedly, the best argument for the retention of the fault principle is, in my judgment, the moral argument, and again I say that here is something that you men in Mississippi can probably understand better than anybody in the nation, and that is that the principle of a man's individual responsibility for his own conduct is a basic concept of our law. I say that just as the current atmosphere of violence and disintegration of standards of conduct of all kinds are evidence of a breakdown of the rule of law, so also are these no fault schemes that have been forced upon us. They are products of the same kind of fuzzy thinking. This is just further evidence of our morality gap. You know, the morality gap is what measures the distance between the high level of our technological achievements and the low level of our moral and spiritual developments. When the principle of individual responsibility is removed, a part of the foundation of the rule of law is removed and the law crumbles and falls. The principle of legal liability based on fault is deeply ingrained in all of us through our religious heritage because, again, it is based purely and simply on the idea that a man is responsible and accountable for his own conduct. I don't believe that the American public wants the guilty to be treated equally with the innocent, and that would be the result of the no fault schemes of the Keeton-O'Connell and the AIA. The AIA and Keeton-O'Connell didn't create or invent a fault principle, and it seems to me that it is rather presumptious of them to try to take it away from us.

I might refer you to a recent book by Professor Keeton. I think that the man is honest—he must be an honest man—he is just wrong. He had this to say in a recent book, one that has come out in the last month or

so called "Venturing To Do Justice,"—"In the final analysis, the weightiest argument for the fault principle is a candid appeal to fairness. . . ." He calls it fairness instead of the moral principles of individual responsibility. To me it's the same thing. "—a candid appeal to fairness, an assertion that most people believe it is fair to make wrong doers bear the burden of accidental losses they cause and unfair to impose on innocent persons any burden of the losses caused by wrong doers." And then in his recent book, he considers the arguments for retention of the fault principle; he asserts my moral argument as being one of them; he asserts the deterence argument as being one of them, and then he proceeds only to answer the deterence argument, and I think he is right—I think the deterence argument can be answered a lot more readily than the moral argument of individual responsibility. I'll read it to you, what his conclusion is on the argument for the fault principle based on individual responsibility. He says: "Whatever the answer to this enigma may be, it seems clear that we shall not soon exorcise the concept of negligence from the inter-related legal and ethical thought of our community." He seems to me to be in despair when he recognizes the fact that the people have this sense of fairness built into them that they think that these cases ought to be determined by basically the question of whose fault it was, and that he is not ever going to get that out of the negligence law of this country.

As I have said on other occasions, I would like to see the real lawyers please stand up—please stand up and speak up for the legal principle of fault liability and the religious and moral principle of moral responsibility. The burden is on us to inform the public. We have this burden because we are lawyers and we understand these principles and, fortunately, we don't have to foot our argument on the basis of lawyer economics, which some of us have mistakenly done. Fortunately, there is no conflict here between the lawyer interest and the public interest. They coincide—they are the same. Now this doesn't mean that we can sit back and leave the present system alone—we need to help make it work. We need to improve it where it needs improving and we need to defend it where it is falsely accused. But, in any event, we must preserve the fault principle and the adversary system of justice, and I hope that you will join with me in the fight to preserve those two principles.

President Chester Curtis responded as follows: Thank you, Mark, very much for coming over and visiting with us and covering this very timely subject. It is a subject, incidentally, that it looks like the plaintiffs' lawyers and the defendants' lawyers can join hands on—and that doesn't happen too often—but we certainly can on this particular item.

We do appreciate your coming, and I am sure we all enjoyed your remarks.

President Curtis prefaced the next item on the program, as follows: We have now reached the point where we will have a discussion on "A Free Press and A Fair Trial."

The principal remarks on this subject will be given by Judge Hubert Will. However, we have with us also and participating in this part of the program Mr. Bob McRaney, Jr., who is manager of WJDX radio and WLBT television. Bob recently has been elected President of the Mississippi Broadcasters' Association.

We also have with us Mr. John Perkins, Managing Editor of the Meridian Star. Judge Will, as I understand it, will speak, and then Mr. McRaney and Mr. Perkins will each have some remarks, and I hope we will have some discussion on this matter among them, and also from the floor.

Judge William C. Keady, U. S. District Judge from Northern Mississippi, introduced the next speaker, Judge Hubert Will, U.S. District Court, Chicago, Illinois.

A FREE PRESS AND A FAIR TRIAL*

Hubert Will

Let me observe first that this problem of free press and fair trial—next possibly to the weather—is one of the subjects which has been talked about by more people and about which there has been less action, I think, than any subject in the social legal field. I think it is a very healthy sign, indeed, that we are becoming concerned with due process—more concerned with due process, more concerned with the effectiveness of our system of justice, and by effectiveness, I mean not only its efficiency, but its justice. I think it is very appropriate, indeed, that we have come, I think, to the end of the talking stage and at least to the start of the first action stage.

For years, lawyers and judges have been concerned and talking about how the press was prejudicing justice, and the press has been saying, "What are you yelling at us for? You are contributing as much or more to the prejudices of justice than we are." And nobody got anywhere.

I said five or six years ago that the way to break that impasse was for the bar to stop trying to reform the morals of the press and start trying to do something about its own morals. Canon 20 has been on the

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* This address has been abridged by the Editor.

books for over fifty years. Canon 20, you will recall, or you should recall, prohibits an attorney from trying his case in the press, in the public—in the public court as against the judicial court—and in fifty years, nobody, but nobody, was ever proceeded against for a violation of Canon 20. There was one effort a few years ago in which I was sort of involved. The ABA decided after the Jack Ruby trial in Dallas that something should be done about Melvin Belli, and the ABA scheduled a hearing, at which Mr. Belli was going to be called under Canon 20 for his alleged abuse thereof in the Ruby trial. I was asked whether we could get a court room in the federal courthouse in Chicago for the scene of that hearing, since we didn't want to hold the hearing out at the American Bar Center. Some thought that this might not be a neutral forum, and I made the arrangements so that one of the court rooms in our courthouse could be used. Only the hearing never came off—it never came off. So the record is still unbroken. In over fifty years nobody at a federal or a state level, national or state level, has *ever* been proceeded against for violation of Canon 20 or the local equivalent thereof.

We had a few years ago in Chicago, you will recall, the famous Summerdale police case—the cops turned robbers—the police who worked with Richard Morrison, the battling burgler. In the process Morrison did the burglarizing and they received the stolen merchandise. Seven of them were indicted and they were proceeded to trial in what was a highly publicized trial. The judge made considerable efforts through postponements and very careful *voir dire* to the jury to attempt to get a jury which would not be affected and prejudiced by the publicity. In the middle of the trial one of the Chicago papers, a morning paper, came up with eight-inch headlines saying "Summerdale Defendant Offers to Plead Guilty". This jury is going home every night, reads the newspapers, presumably, and is told not to, of course, but the eight-inch headline is on the front page. Well, the story, when you read it, was a story about how *three months previously* three of the defendants, with counsel, had approached the state's attorney and had offered to plead guilty if he would recommend probation. The offer was turned down and they were now standing trial on their "not guilty" pleas, and this was the headline story.

That evening, the Chicago Daily News, one of the evening papers, came out with the headline saying, "Full Summerdale Defendants' Story". In a little black box, it said, in effect, "we had this story first, but we felt that to publish it in the midst of the trial might prejudice the trial and in the interest of journalistic ethics we withheld it, but now since the other paper has broken the story here is the full story, because we did have it first and we know more about it than they did. We weren't

really scooped, we were just the victims of our own ethical standards." Where did the newspapers get the story? They got it from the two assistant state's attorneys who were prosecuting the case, who leaked the story during the middle of this trial to, first, the evening paper, which didn't use it, and then when that paper didn't use it they leaked it to the morning paper, which did. I suppose that is a classic example of a number of things wrong. First, the disclosure of the minds of the prosecutors to the press of something that was totally irrelevant at that time, an offer to plead guilty three months earlier, but highly prejudicial, quite obviously. An example of a newspaper man trying to maintain high ethical standards and having to abandon that effort because another newspaper, whose standards were not as high, spread the story, the result being that you had a foul trial—a contaminated trial. That means an expensive re-trial; it means further publicity and further problems of preventing prejudices in the second trial. It is really a very unsatisfactory solution.

But where did it start? It started with the prosecutors. The press would not have discovered that information except that it was leaked to them, and so I think that it is highly commendable that the Rearden Report and the Coffman Committee Report of the Federal Judiciary have said, "Let's clean up our house first; let's look at the dimensions of this problem after the bar and the judges and the law enforcement officials have shut off the principal source of prejudicial information, which is the bar, sometimes the judges and law enforcement officials."

Now how do you shut that off? Given the history of Canon 20, it is not entirely a simple proposition, because theoretically this was shut off over fifty years ago when Canon 20 was adopted. Well, as you know, the American Bar Association has adopted new canons embodying the Rearden principles, which will preclude, under those canons, a disclosure of public participation in various categories. They are spelled out and I think it is not necessary to get into them—confessions, alleged discovery, permitting evidence, refusal to take a lie detector test, or taking a lie detector test, and thus—all of these things which are almost entirely within the special knowledge of the law enforcement officials, the prosecutors, and sometimes of the judges.

But that is not really enough, I suggest to you. One of the principal points I want to make to the Mississippi State Bar Association, as I have to the other associations, is that I think it becomes imperative to do what the Judicial Conference of the United States has recommended that every United States District Court do, and which I think almost all of them have done, and that is to *adopt a rule:* a state supreme court rule applic-

able to every member of the bar of the state, which prohibits these disclosures.

We have already in the Northern District of Illinois removed the name of one attorney from the rolls after a violation of one of the rules of our Court. I don't think we are going to have this problem in the future anything like the dimensions that we have had it in the past. I could give you all sorts of examples of cases in which the press would never have found out the prejudicial information which they published if it had not been from somebody in our fraternity, in the bar or the courts or the law enforcement officials disclosing it.

Now the press, of course, reacted violently and negatively to the Rearden Report. As for the Hoffman Report, the New York Times said, "Well, it isn't as bad as the Rearden Report and, therefore, as between the two, we prefer the Hoffman Report." The press operates on a somewhat erroneous assumption, I think that there is somehow a general and absolute "right to know" of the public and of the press to satisfy that right.

Let me suggest that as far as I know, there is nothing in the Constitution of the United States, the Bill of Rights or any place else, which says that there is a right of the press to be omnipresent, or the right to the public to know everything that happens at every level of government or of private industry which may affect the public interest. This is a kind of "Big Brotherism" or "1984ism," which—happily—we do not yet have. Nobody suggests, I think, that the press has a right to attend cabinet meetings or National Security Council meetings or conferences of the Supreme Court or a thousand conferences a day in Washington or in Jackson, Mississippi, or Springfield, Illinois, or Chicago or the headquarters of U. S. Steel, etc. Where matters are discussed in the jury room or the grand jury room—think how many meaningful discussions are held each day at which nobody suggests, even the press, that they have a right to be present. And why not? Well, because you cannot conduct all the nation's business in a fish bowl. I can't imagine anybody thinking that the press should sit in on the deliberations of the jury or the National Security Council, or take your pick.

What the press has is a right to print and a right to find out what it can discover through legitimate activities, and that doesn't include breaking into a congressman's office, either. I will defend the right of the press to print what it can discover to the end. I would hope that the press itself recognizes a responsibility—and now I come to what the problem will be, it seems to me, after we get the bar and the bench under control, and I think we are in the process of doing that. Some of the information which is prejudicial—such as the man's prior criminal record,

which may not be presented to the jury unless he takes the stand and under certain circumstances only then—is a matter of public record which the press can get and print, and in the notorious case does. So we are going to have some problems in the future.

Now there are several potential solutions to that, and I think there are meaningful hopes for that as well. In the first place, the press is getting better. Reporters are getting better in reporting judicial and legal proceedings. However, I have talked to hundreds of judges and said, "What is your reaction to the accuracy and the adequacy of press coverage of trials which you have conducted?" And I have yet to find one who believes that the press coverage was anywhere near adequate, much less accurate. The press, unhappily, is still operating under that old aphorism that "if a dog bites a man, that's not news, but if a man bites a dog, that's news." So they are running around looking for the bizarre, perhaps the brutal, the ridiculous, and what have you, because that's news.

And names are news. We had a classic example of it only last year in Chicago where there were *seven or eight* defendants being tried for hijacking some Polaroid cameras, $150,000 worth, and some silver bullion bars, two different transactions in interstate commerce. *One* of the defendants was a man named Willie "Potatos" Dadonno. Mr. Dadonno is a local figure—you may have heard the name down here. He is a reputed syndicate leader and anybody who reads the Chicago papers knows about Willie "Potatos" Dadonno. The stories of this crime were almost continuously about Willie "Potatos." In evidence, however, of about twenty-five witnesses who testified, only one referred to Dadonno. It was perfectly obvious that the government had included him as a defendant in the hope that the testimony of this one witness would sufficiently involve him in a conversation which had taken place at his house. The conversation was the kind of ubiquitous conversation which might indicate that he was involved in the fence aspect of disposing of this stolen merchandise, but which might indicate that he was simply talking with people who were friends of his in New York. The jury convicted all of the defendants except Willie "Potatos" Dadonno. But the newspapers had indicated that Willie "Potatos" was the principal defendant in the case. They reported about what he wore, his past reputation in Chicago, and at no time did they indicate that only one witness of the whole number of about twenty-five witnesses had ever referred to Mr. Dadonno. The judge who tried the case, the distinguished Judge Decker, who is now on the Commission of Judicial Conferences' Committee on Court Administration, had to write a letter to the papers saying: "Look, the jury did the right thing. This case was decided exactly as it should have been de-

cided. Willie "Potatos" Dadonno, notorious though he may be, was the one defendant in this case who should not have been convicted on the basis of the evidence, and if the jury had not found him not guilty, I would have directed a verdict of discharging him."

Now that kind of inadequate—and I think it is inadequate—press coverage of the trial may sell newspapers. I am sure Willie "Potatos" Dadonno's name did sell a lot of newspapers, but it doesn't sell justice and it doesn't do justice to the very careful processes which Judge Keady and the rest of the judges here and all of us around the country, both state and federal, are attempting to insure in the fair trials over which we are attempting to preside.

Well, I think there is progress being made. The journalism schools are spending much more time in teaching the principles of fair trials and justive and the Constitution and the Bill of Rights. I was talking to Sigma Delta Chi a year ago at a national convention, and I said to them before we started talking about the press, etc., "Let me ask you one question: how many of you think that if a person who, in fact, committed a crime, walks out of the court room without being convicted, whether because evidence was not received against him or because the jury had found him not guilty, that our system of justice has malfunctioned?" Over half of them raised their hands. These were working journalists; some of them were editorial writers, some of them court reporters and general reporters who are supposed to understand as a fundamental proposition that our system of criminal justice is not convicting everybody regardless of how, and our system of human justice is aimed at convicting every guilty person with the preservation of the integrity of the procedure that we have built in, with the presumption of innocence until proven beyond a reasonable doubt, and the limitations under admissibility of evidence being built in. So obstacles to convictions are for two legitimate and very important purposes. One, to minimize the conviction of the innocent, and, two, to protect all of us from harrassment by searches, by interrogations, etc. So, they don't understand, really, that we are prepared to pay a price in letting some guilty people go free, so as to maximize the decency of the society in which we live and to minimize the conviction of the innocent. But they should. They are supposed to be reporting on this civilization of which they are a part, and, happily, they are getting better.

Now what sort of an internal discipline does the press have? They adopted a canon of ethics in 1923. Oddly enough, they adopted a canon of ethics, and it says in the most ambivalent and ubiquitous terms, you shouldn't engage in "yellow" journalism, but it has no sanction whatsoever. No newspaper man has ever been fired for alleged breach of canon of ethics. It would be as useless as Canon 20.

Now I hope that the press itself will come about to the point where they will do something, because the press is beginning to realize that the quality of this civilization, this society of ours, depends on their responsible conduct as well as it does on everybody else's, that they are not required to publish anything—short of libel—that will sell newspapers.

You know, we worry about the quality of press coverage in the United States and we can get pretty concerned, because we depend in a democratic society on the accuracy of the information we get about that society. Maybe you, too, reflect on what a man from Mars or Indonesia or almost any place who doesn't know this society firsthand, would think about it from reading these newspapers. You have to be worried about the accuracy of the information from which you and I make our decisions in this democratic society.

Now it happens that all Americans grow up with a kind of slowly developing, built-in, press-wise compensator. We learn how to read newspapers. We understand that they don't present the society perspective, that they pick out the sensational things, that you are not likely to find the good things, the unemotional or the desirable or the simple things in the newspapers. They are getting better at that, too, because the television and radio are taking over the spot news in large part, and the press now is starting to be more analytical and indefinite.

But you would think this was a very brutal country, a very dangerous country, and I am not suggesting that we don't have problems of brutality. We do, but they are by no means in the proportion which you would conclude if you simply read the newspaper. Well, fortunately, as I said, we all build our own built-in press compensator by the time we grow up, and so we can read newspapers, compensating for what they don't say as well as for what they do say.

Now where does this all lead us? Well, it leads us to the point where —happily—the talk is now stopping and the action is beginning. We of the bar are taking steps to do something about disclosure of prejudicial information. The problem of prejudicial publicity isn't limited to trials, although trials have constitutional protection, with the sixth amendment guaranteeing a fair trial. But we are doing something about the situation, and I hope that you in Mississippi, as in other states throughout the country, will have the courage to adopt court rules, as well as canons of ethics in the state bar association, and then proceed to *enforce* them, because this is the important thing. The canons we have had, unfortunately, have not been enforced.

Second, the press is doing something. They are upgrading the education of reporters, they are talking about adopting some standards of their own and they are talking about joining with us in the adoption of joint

codes. Now I don't hold out any great hopes for voluntary joint codes, etc. but I don't want to discourage them, either, because it also happens that they are an educational process. As you know, they adopted a code in Kentucky and immediately got into a hassle about whether the newspapers over there were violating it or not, and that hassle went on for some time. But even that kind of controversy is educational, and was beneficial, I think, to both the press and the bar in understanding the problem.

We may have to re-examine at some point the contempt power or even the absoluteness of the press—there is no such absoluteness, you know. The press in most places— I don't know whether they do here—by voluntary agreement, does not publish the name, for example of a girl who allegedly has been raped. In Wisconsin they have a statute which prohibits it, which the Supreme Court of the United States has held constitutional. They don't have the constitutional right, they said, to print the name of a girl who is allegedly a victim of rape. So a free press isn't total and actual either, and I take it that nobody disagrees, really, that when the free press comes in conflict with other constitutionally guaranteed rights—such as the right to a fair trial—there has to be an accommodation between the two. And we may have to work out over a period of time some accommodations which will reflect the necessities for seeing to it that the sixth amendment gets equal consideration and that the defendants who are standing trial, who are guaranteed a fair trial under the sixth amendment, receive that constitutional protection to which they are entitled.

Well, I would not want to "muzzle" the press—on the contrary, I want to make it better. I think I have indicated already that the importance of information in a democratic society makes the press as important a single element of our society as we have. Lawyers and judges are no more important in terms of improvement of the world and of this civilization than the press.

I hope, and I repeat, I am encouraged by what is going on, that the performance of the press will continuously improve so that we can all expect less prejudice at trials, and perhaps even more important, better information on the basis of which we make our own day to day decisions, and our own exercise of our democratic responsibilities. So that when we get all through, we can take a newspaper and read it without having to set our "press-wise compensator."

I don't know why we can't expect from all the communications a higher standard of information, and I assume that when we get our own house in order—which it seems to me is the first thing we must do—we will then be entitled to say to the press, "Okay, now you have told us for

years that we have no basis for complaint because we did not have our own affairs properly cleaned up. Now we do. Now let's talk about yours." That is what we are going to do next.

Mr. John Perkins, Managing Editor of the Meridian Star, responded as follows:

Ladies and gentlemen of the Mississippi State Bar Association, I think Judge Will touched on a subject that is the very rule of this matter of a free press and a fair trial. That's the first and sixth amendments to the United States Constitution. The first amendment, of course, says that Congress shall make or pass no law abridging the freedom of the press. The press has taken this as an absolute statement that we have a right to print any and everything that we can discover. The sixth amendment to the Constitution also is very plain. It has said that a man has a right to a public hearing, a fair trial. Therein is ground for conflict.

In our modern society and all the innovations in justice and communications, human nature remains the same—how do we solve this conflict? How do we administer justice without abrogating the rights of the press? I will differ with Judge Will in one regard: I think the people do have a right to know what goes on in this society and they do have a right to read and to be informed. If the public is not informed we have a very dangerous situation. It is hard to maintain a democratic society of uninformed public. We like to go back to Thomas Jefferson's statement that facing a choice between government and newspapers he would choose newspapers.

The press in our society has served the eyes and ears of the public, and I suspect if we will continue to work, not only to upgrade our standards and to keep an eye on the bar and the judiciary and the government in general, we will try to see that the public is informed, because we feel like they are entitled to know what is going on.

I have made observations, though I haven't covered all of the sensational trials that we have had in Mississippi. We have had several recently in Meridian. We have had some very explosive cases in federal and state courts there. Let me say this from experience: when crime is committed, an explosive issue before the court and the people, they are interested in knowing what goes on in that court room and what the wheels of justice are doing about it. We don't have to print big black headlines to sell papers, believe it or not. We have phone calls asking us what is happening. People rise to the occasion and assume that a major crime is committed. The word gets out—they call us even before the

paper hits the street to ask us what has happened. We feel an obligation to provide these people, the public, with the facts as best we can determine them.

I, for one, am willing to meet any time with the judiciary and bar associations of this state, local, state and federal, and discuss this situation. I think it is wise for people to discuss the situation. There are some areas that need to be talked about and there are some differences that need to be discussed and accommodations made, perhaps. But I would hope that the bar association would not adopt a policy so restrictive in application to its members that it would stop the necessary flow of information, because I don't think you can keep good newspapers and radio and TV stations from finding out what is happening. You certainly should not be allowed to prevent them from reporting what goes on in the court room.

In doing a little homework for this presentation, I read an Arizona case where the judge ruled that one of the Arizona newspapers could not publish what transpired in a *habeas corpus* hearing because he said this would be pre-trial prejudicial publicity. The paper printed a factual challenge—it took place in an open, public court—and he cited them for contempt. They carried it to the Arizona Supreme Court and the newspaper was upheld and the judge was overruled. The court said "you can't 'muzzle' the press."

Judge Bell of the Pennsylvania Supreme Court made a statement in the January issue of the FBI magazine. A friend of mine in law enforcement called it to my attention. It said: "Don't muzzle the press. They are indispensable in keeping an eye on criminals and helping to prosecute criminal justice."

Gentlemen, I hope you will weigh this matter very carefully. Don't infringe upon any of our constitutional rights, either those of the defendant—he has a right to try his case in the newspaper, radio and television if he wants to. I seem to recall that the Hon. F. Lee Bailey, called a press conference several years ago and plead his client guilty and said it was by reason of insanity. I don't know what his motives were. We can't fathom someone's motives.

In closing, let me say this: the press has a responsibility not only to print what transpires in justice and government and society, but you have public officials, you have got a prosecutor, a judge, a police officer, and if one is irresponsible, the public ought to know that, too. We have a right to know if he is irresponsible—we can't stop him from being irresponsible, but the public should know if he is irresponsible. They should know the good as well as the bad.

Mr. Bob McRaney, Jr., manager of WJDX radio and WLBT television, commented as follows:

I note Senator John Stennis in recent months has allowed television cameras in the committee hearing rooms in Washington, D.C., for the discussion of the very highly controversial ABM system, without interference and without interruption, and this is, of course of universal importance and interest. Last year, in this hotel the United States Sub-Committee on Poverty met here. It was televised live and without interference, without interruption, and obviously of prime importance and interest to the entire community here.

It is granted that lights might be bothersome compared to your dimly lit court rooms and antiquated stalls in which I have had more experience than I would choose of late, but I would ask that a new contemporary frame of mind be granted by the legal profession to adapt a 1970 outlook toward the handling of justice. I do not refer to a "mod" court room, but to a more modern court room including lights and cameras, and in my estimation these can be placed without interruption of the proper procedure of justice.

At the risk of paraphrasing, I am going to emphasize some of your own ABA standards relating to fair trial through press as found in the Reardon Report, as follows: "The news media has the right and responsibility to print and publish the truth. A free and responsible news media enhances the administration of justice. Members of the bench and bar should, within their respective canons of legal ethics, cooperate with the news media in the reporting of the administration of justice. Also, all news media should strive for objectivity and accuracy. The public has the right to be informed. The accused has the right to be judged in an atmosphere free from undue prejudice. Also, the public is entitled to know how justice is being administered. However, no lawyer should exploit any medium of public information to enhance his side of a pending case. It follows that the public prosecutor should avoid taking unfair advantage of his position as an important source of news. This shall not be construed to limit his obligations to make available information to which that public is entitled. Also, proper journalistic and legal training should include instruction and the meaning of constitutional rights to a fair trial, the freedom of the press, and the role of both journalist and lawyer in guarding his rights."

I will quote their guidelines for reporting: "Sensationalism should be avoided by all persons and agencies connected with the trial or reporting of the criminal case."

A young man from New Orleans, Louisiana, who used to be with WDSU television and who is now in charge of NBC news in Washington,

D. C., Bill Monroe, had some remarks concerning the Rearden Report, and he stated that the Reardon Report seems to be a joint suggestion that the legal system does not need all of the public scrutiny and that perhaps it can do better with less. The Reardon Report would damage public knowledge of law enforcement and the judicial process, a knowledge vital to public morale and confidence and a knowledge that is important to long range public support and understanding of the all important American legal system.

The president of ABC television news has stated that it is no accident that the Prague television station was the first place the Russian troops went when they entered Czechoslovakia to stifle the remnants of freedom. Speaking of recent suggestions that television reporting be supervised, or any type reporting for that matter, he continued, "Some have welcomed the opportunity to substitute their news judgment for ours."

A small minority has suggested that some governmental agencies should have the right and duty to regulate the flow of information to the broadcast media. In fact, I think that is being done today.

In a long, dreary list of nations, its peoples can be described only as "captive."

As president of the Mississippi Broadcasters Association, I am today setting up a special committee to meet with the members of the Mississippi Bar Association, hopefully a committee from Delta Sigma Chi and other law enforcement officials, to draft a set of proposed guidelines for broadcasters to reference in criminal and other highly volatile cases. I sincerely feel that this will be at least helpful. Mississippi, in my estimation, has been extremely fortunate in not having very severe and unfortunate circumstances take place in some of our more highly noted trials and volatile cases, particularly in the area of civil rights and other noted cases that have occurred recently.

A question and answer period with audience participation followed. The afternoon session was then adjourned.

The address following the annual banquet was presented by NASA astronaut Don Lind. The address was not transcribed.

SECOND GENERAL ASSEMBLY

Saturday, June 28, 1969

The assembly was called to order by President Curtis, who presented the following report:

PRESIDENT'S REPORT*

Chester H. Curtis

Under the by-laws of our association, it is provided that the first order of business at the annual meeting shall be an address or report of the president, followed by a report of the Board of Commissioners which may be included in the president's report. Normally, the report from the president is given at the opening of the convention, but I construe the by-laws to mean that the president's report shall be given at the beginning of the business session. Hence, my remarks this Saturday morning, which is devoted to the business of our association. My report shall also include a statement about the work of the Board of Commissioners.

As others have stated before me, the greatest honor which a lawyer can receive is to be elected president of his state bar association. I shall always be grateful for your having so honored me. When I assumed the presidency about July 1, 1968, I had not had the experience of serving as vice-president; consequently, I had to lean most heavily on the outgoing president, Webb Overstreet. I shall always be grateful for his help and assistance and I wish to publicly state that the momentum of his regime has carried forward into this year and without it, this year's bar program would have suffered. I have also received excellent cooperation from all members of the bar and no one has declined to assume any job which I asked him to do. For this cooperation, I shall always be appreciative.

Now a word about the Board of Bar Commissioners: The Board of Bar Commissioners this year has been a group of able and dedicated attorneys from all sections of our state. We have held a number of meetings, the first of which was on July 18, 1968, in Jackson and which was held in accordance with the by-laws which provides that the annual meeting of the Board of Commissioners shall be held at the State Capitol not less than fifteen (15) days nor more than thirty (30) days after the adjournment of the annual meeting of the State Bar. Three other meetings of the Board of Commissioners were held on January 14, 1969, April 10, 1969, and June 26, 1969. I appreciate the work which has been done by the commissioners over the past twelve months and our association owes each one of these men an everlasting "thank you" for the time and efforts devoted to their state bar.

In reading some of the reports made by past presidents, I noted that President John Armstrong suggested in his report in 1967 that some consideration should be given to a staggered system of electing the com-

* This report has been abridged by the Editor.

missioners. I think there is merit in such a suggestion and I hope that the coming administration will give some thought towards implementing this procedure.

I would also like to recommend to the association that a committee be established to consider a new election procedure for the officers of our association. I have had several attorneys suggest that the election procedures be overhauled or altered. I do not have any specific recommendations on this point, but I have talked with the presidents of a number of other bars and it appears that most bar associations operate under a nominating committee with the entire bar association membership participating in the election. Normally, we have around two hundred and fifty to three hundred attorneys present when the officers are elected at the annual convention, and this is a very small percentage of our entire membership of approximately 2,600 attorneys. So, as President John Armstrong suggested and recommended two years ago, I also recommend that a committee be established to study a change of election procedures for commissioners and officers of our association.

Now a word about finances: Due to the action of the 1968 legislature whereby the dues were increased from $20.00 to $30.00 per year, we were able to operate entirely in the black and end the year with a surplus. This does not mean that we have more money than we need. The surplus resulted from the fact that since we did not know how much we would actually receive during the year from dues and other sources, our administration was reluctant to enlarge some of the programs and increase expenditures in other areas until we had had one year's experience with the new dues in effect. Our program should be better in the years ahead due to the improved financial condition of our association. I am certain that in future months, the costs of operation will increase so that in time the present annual dues will not be sufficient. In fact, according to a study of all the bar associations, the average figure for dues is $40.00 per year. Thus, we are still below the average. I hope the figure will be increased to $40.00, for additional funds can be well spent to broaden the program and to provide well-equipped offices in the new Department of Justice Building, and what I hope will be new quarters for our association. In fact, at this point I wish to recommend that we give serious thought to constructing our own building, for I am afraid it will be some years before we can be housed in the contemplated Justice Building.

When I assumed the office of President, I found that our association was operating with approximately 39 committees. Each of these committees involved an area of work which could assist in developing our bar program. It was my feeling, however, that we did not need this number of committees to carry out an effective program. Nevertheless, I must

confess that I did appoint 35 committees during the year, so I did not significantly reduce the number, but I am still of the opinion that we have too many.

I extend my thanks to all the chairmen and members who labored diligently during the year. I particularly wish to thank those attorneys, whom I will not name, who handled the several disbarment proceedings which were necessary during this year. I want those attorneys to know that I appreciate their assistance and help, for this type of bar work is one that an attorney does not seek nor relish.

Your association participated in and financially assisted two special events which occurred in our state during this year. First was the Judicial Conference for the Fifth Circuit which was held at the Broadwater Beach Hotel on May 19 through the 23rd. The arrangements for this conference were under a committee of which David Cottrell of Gulfport, Mississippi, was general chairman. The members of the bar associations on the Gulf Coast were also called upon to work actively in promoting this event and many worked untiringly to make it a success. President-elect Boyce Holleman and I received a letter from Chief Judge John R. Brown of Houston, Texas, thanking our bar and complimenting our handling of the conference.

The second special event was the annual active duty for training of the Army Reserve Judge Advocate General Detachments located throughout the United States, which was held at the University of Southern Mississippi on June 8 through June 22. The Hattiesburg bar and the Mississippi State Bar assisted in this particular event which brought to Mississippi the largest group of out-of-state lawyers ever to assemble here.

I also would mention Law Institute held in December, 1968, in Jackson and sponsored by the Junior Bar Section. It was an outstanding success. I recommend that the association make this annual Law Institute a mid-year meeting of the Mississippi State Bar Association. More and more state bar associations are holding a mid-year meeting which affords an opportunity to hold seminars and institutes which are difficult to conduct at the annual meeting.

In conclusion I would like to say that during the year Katherine and I enjoyed the opportunity of representing the Mississippi State Bar at a number of conventions and other gatherings. We attended the Alabama State Bar meeting in Tuscaloosa in July, the ABA annual meeting in Philadelphia in August, a meeting of the Southern Bar Presidents in San Antonio, Texas, in October, the mid-winter meeting of the ABA in Chicago in January, the Fifth Judicial Conference on the Coast in May and the Arkansas Bar Convention in Hot Springs, Arkansas, in June.

These were delightful experiences for us and we met many wonderful lawyers and members of the bench from all over the country.

I am also deeply grateful to Executive Director George Van Zant and his office staff for the splendid service which they rendered to me and to the Bar during the past twelve months. We are indeed fortunate in having such personnel in our official organization.

To the various committees which have made this convention possible, and which you will find listed in the program, I extend my thanks for your service.

Again, to the best bunch of lawyers in the United States, I thank you for the privilege and honor of serving as your president for the past 12 months. To all who assisted me and the association in any capacity, I reiterate and emphasize my appreciation.

Committee reports were presented. They are available in printed form from the Mississippi State Bar Executive Director, and are omitted here in the interest of conciseness and economy. Those acted upon included (1) approval of a legislative proposal dealing with establishment of procedures to be used in state administrative agencies and providing a means of review, and (2) establishment of a Lawyer Referral Service to facilitate handling of cases in the areas of patents, civil rights and copyrights. The referral service is to be coordinated by the executive director of the state bar.

A third recommendation approved by the assembly dealt with recommended legislation "creating an action of claim and delivery and providing for the enforcement thereof." If passed by the legislature, the act would simplify legal procedures which many experienced attorneys find difficult due to unfamiliarity with complex replevin mechanisms.

Other minor action was taken regarding committee reports.

Four resolutions were presented, and all were approved. They are found in Appendix A.

President Curtis at this time handed the gavel over to the new president, Hon. Boyce Holleman. President Holleman thanked Mr. Curtis for his services, on behalf of the bar, and then presented a plaque to Mr. Curtis. President Holleman then made the following remarks:

INCOMING PRESIDENT'S REMARKS*

Boyce Holleman

I consider this to be the greatest honor that has ever been conferred upon me and I shall do everything within my power to be worthy of that honor and that trust.

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* This speech has been abridged by the Editor.

Quite frequently in the court room I am touched when a fellow comes up with grease and grime on him from the ship yard or some fellow who is working on the docks with a little boy with him and says, "Mr. Holleman, I want you to meet my son. He wants to be a lawyer." I think in this day and time when young lawyers are having difficulty in many sections of the United States—their first few hard years of economic struggle—that it is a tribute to the legal profession as a whole, that there are still youngsters—and I have four boys—who in their very early stages of life dream of being a lawyer. I think that is some of the dream of adventure that we heard last night as we heard astronaut Lind talk. Because practicing law is an adventure, and being a member of the legal profession is one of life's greatest adventures. I think that as a legal profession we are under a duty to remember that there are those who watch and judge their future course of action by what they see when we represent this honored profession.

We live in a different age. Back in 1952 I was designated the 28th senior vice president of the Bar Association at a convention in Biloxi in a speech by Zelma Price and the late Stokes Robertson, our late Supreme Court Justice, much to my surprise. At that time it was purely just an honorary title conferred upon me because of my work in the legislature for the Bar. But we live in a different age and we live in an age when young lawyers cannot be expected to wait until they are fifty years old before they are called upon to take an active part in the affairs of this bar association.

The other day in the Budget Committee, I thought I saw one of the most remarkable things and perhaps the greatest evidence of that that I have seen. The Junior Bar came in, very ably represented by its new president, Pat Scanlon, and requested $4,500.00—a thousand dollar increase for their budget for next year. They set forth a program that they had in mind, and if you have observed them over the state, you know what a tremendous job the Junior Bar is doing. When they left and the Budget Committee began to take it up—Pat had made the point "We are not asking for a thousand dollars like Boyce might do in a damage suit and expecting to get $500.00. We are here to ask you what we want." Well, when they left, the elder statesman of that group started to make a motion, and I think Chester expected the motion to be "make it $500.00". I know I did, but instead of that he had this to say, he said "I move that we increase it to $1,500.00 because I have seen the job that the Junior Bar does for the legal profession in the state of Mississippi." And that's what they did. The only time I know of in my legislative history. And that's a tribute to the young lawyers.

So I want to say once more that on these committees that I appoint,

I am going to put some of these young lawyers, and I will expect them to attend these meetings and to participate in them.

I want to say further that the legislature is going into session. I think one of the crying needs of our bar association is to be aware of the very low judicial salaries in Mississippi. How long we can expect to retain judges upon the basis of the salaries that we pay them, I don't know. But I know what it takes in the legislature. It takes some interest from the lawyers back at home, and I hope that this bar association in the months that lie ahead, and I am not only directing my remarks to the judiciary—there are other areas that need correcting. But I hope that this bar association will sincerely put forth a real effort, not in 1972, or '71, or '73, but in 1970 to correct our judicial salaries in Mississippi, which are so far below others in the United States.

On the whole, finally, I shall go wherever I am able to go, devote what time I am able—and it takes a great deal of time—but above all, I want you to know that I believe that Mississippi has one of the finest bars in any state in the United States, that we have a great profession, a great judiciary, a great integrity of the bar and of the men who make it up.

William A. Bacon of Jackson and Francis Bowling of Jackson were nominated for the office of President-Elect and First Vice-President of the Mississippi State Bar. Mr. Bacon was elected.

Raymond L. Brown was elected by acclamation to the office of Second Vice-President.

The following Commissioners were elected:

District 1—N. S. Sweatt, Sr., Corinth
District 2—Kosta N. Vlahos, Biloxi
District 3—Thomas R. Ethridge, Oxford
District 4—John J. Frasier, Jr., Greenwood
District 5—David Crawley, Kosciusko
District 6—J. D. Gordon, Jr., Liberty
District 7—Charles Clark, Jackson
District 8—Laurel Weir, Philadelphia
District 9—C. Delbert Hoseman, Vicksburg
District 10—Kenneth Watts, Meridian
District 11—Ellis Griffith, Cleveland
District 12—Judge James Simrall, Hattiesburg
District 13—Jerry Yeager, Raleigh
District 14—Harry O. Hoffman, Jr., Hazlehurst
District 15—Floyd B. Smith, Columbus
District 16—Taylor B. Smith, Columbus
District 17—Johnny Whitten, Sumner

District 18—William Harold Odom, Laurel
District 19—William Jones, Pascagoula

The Sixty-fourth Annual Convention of the Mississippi State Bar Association then adjourned.

The following is a list of past presidents of the Mississippi State Bar:

1906—G. H. Shands (deceased)
1906—Murray F. Smith (deceased)
1907—C. H. Alexander (deceased)
1908—J. S. Sexton (deceased)
1909—T. H. Somerville (deceased)
1910—W. H. Powell (deceased)
1911—A. F. Fox (deceased)
1912—R. N. Miller (deceased)
1913—Robert B. Mayes (deceased)
1914—Sydney Smith (deceased)
1915—R. B. Campbell (deceased)
1916—A. T. Stovall (deceased)
1917—A. A. Armistead (deceased)
1918—S. E. Travis (deceased)
1919—J. B. Harris (deceased)
1920—Gabe Jacobson (deceased)
1921—Geo. J. Leftwich (deceased)
1922—J. B. Holden (deceased)
1923—R. H. Thompson (deceased)
1924—Stone Deavours (deceased)
1925—J. N. Flowers (deceased)
1926—D. W. Houston (deceased)
1927—R. E. Wilbourn (deceased)
1928—George W. Currie
1929—T. C. Kimbrough (deceased)
1930—George H. Butler (deceased)
1931—W. W. Venable (deceased)
1932—Jeff Truly (deceased)
1933—J. H. Price (deceased)
1934—W. Calvin Wells (deceased)
1935—Frank E. Everett (deceased)
1936—David E. Crawley (deceased)
1937—Marion W. Reily (deceased)
1938—R. M. Kelly (deceased)
1939—W. H. Watkins (deceased)
1940—W. E. Morse
1941—Alexander Currie (deceased)
1942—Charles F. Engle (deceased)
1943—Ross R. Barnett
1944—Bidwell Adam
1945—Earle L. Wingo (deceased)
1946—R. C. Stovall
1947—Stokes V. Robertson, Sr. (deceased)
1948—Phil Stone (deceased)
1949—Robert W. Thompson, Jr.
1950—Gibson W. Witherspoon
1951—Quitman Ross
1952—Charles B. Snow (deceased)
1953—Jerome S. Hafter (deceased)
1954—Robert J. Farley
1955—John C. Satterfield
1956—M. M. Roberts
1957—W. S. Henley
1958—Breed O. Mounger
1959—Hugh N. Clayton
1960—David Cottrell, Jr.
1961—Sherwood W. Wise
1962—C. Sidney Carlton (deceased)
1963—Edward J. Currie (deceased)
1964—Earl T. Thomas
1965—Orma R. Smith
1966—John T. Armstrong
1967—N. W. Overstreet
1968—Chester Curtis
William J. Keady*

* Elected but became Federal District Judge before term of office began.

PROCEEDINGS OF THE THIRTY-THIRD ANNUAL MEETING
OF THE

Junior Bar Section

HELD IN JACKSON, MISSISSIPPI, JUNE 26, 1969

The General Assembly of the Junior Bar Section was called to order at 2:00 p.m. in the Heidelberg Hotel, Jackson, Mississippi, by Hon. Raymond L. Brown, president of the Junior Bar Section.

The invocation was given by Hon. Robert G. Barnett, Jr., past-president of the State Junior Bar.

President Brown recognized Hon. Chester H. Curtis, 1968-69 president of the Mississippi State Bar, and Hon. Hugh N. Clayton, a founding father of the Mississippi State Junior Bar.

President-elect Pat H. Scanlon, delegate to the ABA convention, then gave the following report:

ABA CONVENTION REPORT*

Pat H. Scanlon

At the ABA convention, each state Junior Bar Association has two delegates. Raymond Brown and I served as delegates for the Mississippi group and Bob Barnett served as delegate for the Jackson group.

The 1968 convention was held in Philadelphia on August 1. The most important thing that happened, as far as we are directly concerned, is that Mississippi was awarded first place for the best comprehensive program for states in our category. We also received a first place award for special projects for holding the Southern Conference of Junior Bar Executives in November, 1967. That was the outstanding project submitted in the Special Awards category.

The South Central Mississippi Junior Bar, located primarily in Hattiesburg, was qualified as an affiliate of the Young Lawyers Section of the American Bar Association and increased the number of local groups to three: Jackson, Gulfport and the South Central.

National officers elected were chairman, Dick Wiley of Chicago; vice chairman, Tom Cochran of Independence, Missouri; secretary, Joe Mullin of New York City; assembly clerk, Bob Murry of Lakeland,

* This speech has been abridged by the Editor.

Florida; assembly speaker, Harry Hathaway of Los Angeles; and Lister Hill of Montgomery, Alabama, Executive Council member from our district.

The assembly of the Young Lawyers Section passed a number of resolutions and motions, among them, one favoring a national Bar-related Title Insurance Company and one urging a study of systems for reparations of injuries from automobile accidents. This concerns the Keeton-O'Connell bill, which would do away with the fault concept. The Junior Bar Section went on record as endorsing the right of trial by jury, which is contrary to the Keeton-O'Connell proposal.

Other things of interest are that Bob Barnett was appointed chairman of the Affiliate Committee of the Young Lawyers Section, and that Raymond Brown was selected as a member of a four-man debate team on what is known as the Personal Finance Law Debate, which will be held this summer. It is quite an honor for Raymond and for our Junior Bar Association.

The mid-winter meeting was held in Chicago in January of this year and Raymond and I attended. I believe he will discuss that later.

The convention for this year is scheduled for Dallas in August, and if any of you can attend, I urge you to do so. The people that you will meet there, the other young lawyers, are some of the nicest people I have ever been associated with.

President Brown then delivered the following report:

PRESIDENT'S REPORT*

Raymond L. Brown

It now comes time for me to report to you on the activities of your Junior Bar this past year. We had a difficult task in following in the shoes of Bob Barnett, who led us to the national awards. However, we did accomplish something significant in the affiliations which we were able to put on the books this past year.

At the meeting in Philadelphia, primarily as a result of Bob's efforts, we affiliated the South Central Mississippi Junior Bar Association. As Pat has told you, it was primarily out of Hattiesburg and includes Forrest County, Perry County and Lamar County. Carroll Ingram, who is the president, is here today.

At the mid-winter meeting in Chicago we were able to affiliate four new locals: Meridian, whose officers are Richard Wilbourn, president;

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* This speech has been abridged by the Editor.

Dennis Goldman, vice president, and Ralph Young, treasurer; Jackson County, whose officers are Joe Colingo, president; Roy Williams, vice president, and George Shaddock, treasurer; Lee County, Thomas J. Gardner, president; Robert K. Upchurch, vice chairman, and James Bingham, treasurer; Washington County, with Frank Hunger as president, Philip Terney, vice president, and Earl Solomon, treasurer.

Gentlemen, this is a significant achievement in view of the numbers of new affiliates in the Young Lawyers Section of the American Bar Association each year. At the Philadelphia meeting there were three affiliations, one of which was from our state. At the mid-winter meeting in Chicago there were five affiliations, four of which were from our state. So we now have five of the most recent eight affiliations, local affiliations, to the Young Lawyers Section of the ABA. We have done this for the primary purpose of gaining for the Mississippi State Junior Bar a closer contact with its members. We feel that by representation on our board, which these local affiliates achieve by affiliating, we now have a better communication with our members. We can thus pass down information and projects and strengthen our group; but, nevertheless, there is the side effect that we do have a vote for each affiliate at the annual convention for the Young Lawyers. This means that we are now stronger than New York state!

With those few remarks, I am going to request Pat Scanlon to introduce our special guest, Tom Cochran.

President-elect Pat Scanlon introduced the chairman-elect of the Young Lawyers Section of the ABA, Hon. Thomas D. Cochran of Independence, Missouri. Mr. Cochran delivered the following speech:

WHO WILL ANSWER?*

Thomas D. Cochran

Believe me, it's worth the trip down here just to hear Pat Scanlon call me "Honorable." I am indeed pleased to be here.

Let me at the outset, advise you of two things that I will be doing in my administration. In August in Dallas when I take over the chairmanship of the American Bar Association Young Lawyers Section, I would like to advise you of two appointments that I will make. The first will be to appoint Mr. Raymond Brown, your present president, as co-chairman of the Award of Achievements Committee, replacing Bob Barnett, who has done such a fine job this year. The second will be to

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* This report has been abridged by the Editor.

appoint as vice chairman of the Professional Education Committee your president-elect, Mr. Pat Scanlon. Because of the job that they have already done both in the ABA and in Mississippi, I am sure that they will fulfill the responsibilities that will be theirs in the same type and caliber as they have done for your organization.

Rather than give you an erudite speech on the law, I would like to kind of give you some impressions that I have had in the practice of law—at least in my practice.

I am a partner in a four-man law firm in Independence, Missouri, a city of 125,000. My practice is primarily that of representing "grievously injured widows and orphans" in highly justifiable claims against the "heartless, merciless, penny-pinching conglomerates" which the rules of evidence require us to leave nameless. However, on occasion against an unalert defense counsel, we might refer to such magical and seed dropping names as "the company," or "their adjustors," or "Don't worry about how we'll collect the judgment."

I guess it behooves me to say something about our courts. I guess the most interesting definition I've heard of a judge is that he's a man who's seldom right, but never in doubt. I guess we should expect some problems with a system which has 70,000 laws to enforce the Ten Commandments. After all, you've got to admit that when people look at our system it does leave some wonderment. We are still the only system that I know of that locks up the jury and lets the defendant go home!

I am thankful for the opportunity to speak because it is kind of an awesome responsibility to take over as president of the American Bar Association Young Lawyers Section. We have 47,000 members, and it becomes baffling to sit in your office in Independence, Missouri, and try and figure out why you, of all people, would be serving as president of this organization, an honor to which I am not accustomed. While I have been preparing for this role for some four years, I had to sit down in preparation for coming down here and think to myself just exactly what I am going to do with this opportunity that has been given to me. I don't know why it has been given to me. I don't know why I was able to get a few more votes than someone else. But I was, and this particular experience has given me the opportunity to try and enumerate some of the things that I feel should be done.

Some time ago Ed Ames, who is a popular singer, made very popular a song. A couple of the verses went like this:

> If the soul is darkened by a fear it cannot name,
> If the mind is baffled when the rules don't fit the game,
> Who will answer, who will answer?

In the rooms with darkened shades
The scent of sandlewood pervades
The colored thoughts in muddled heads,
Reclining in their rumpled beds
Of unmade dreams which can't come true
But when we ask what we should do,
Who will answer, who will answer?

Is our hope in walnut shells
Worn round the neck with temple bells
Or deep within some cloistered walls
Where hooded figures pray in halls
Or crumpled books on dusty shelves
Or in our stars or in our selves,
Who will answer, who will answer?

As I view the contemporary problems of our day, I find myself asking this same question—who will answer? Each of our lives are daily bombarded with the potential destruction of our society. We routinely see the open defiance of the "Establishment" on our campuses today. We sweat out another "long hot summer" in every community with its resultant total disrespect for law and order. All of us have shared or will share my experience of a few weeks ago when some parents brought their 18-year-old son to my office to seek help for drug addiction. His simple cure for all of the ills of our day was to "damn materiality and have love, man, love." This is a day when the reputation of some of our Supreme Court Justices reaches about the same level as some of the roadside J. P.'s you have in Mississippi—a time in which 1,146,000 persons last year were parties to divorce actions in the United States and in which a permissive society makes "trial marriage" as acceptable as dating and going steady—in which the President's fact-finding ambassador must hide his agenda in order to avoid open confrontation—in which the faith of an astronaut expressed in the reading of scriptures can be called an abridgment of someone's personal liberties. These are but a few of the problems that met us in this day. You have heard them, and you know them as well as I do.

There is little question that there are more problems than there are solutions. The quest for the elusive Grail of answers becomes rather the search for the most effective tools for problem solving. I think as a profession we have allowed someone else to answer. As lawyers we have been too comfortable with our own parochial problems to attempt to solve the contemporary problems of our day. What group is better prepared to make a frontal attack on these contemporary problems of our day than those of us with the legal education that we have, and particu-

larly those of us who are young lawyers. Some of you are still under thirty years of age and, therefore, available to be trusted by the younger generation. All of us have been trained in the skills of problem analysis and pragmatic solution finding. But are we as a profession ready to meet the challenge and to "answer"? "Is our hope in walnut shells, worn round the neck with temple bells?" Or is it in the books, or is it in the stars, or is it in ourselves?

The effect which the resolves of a national organization such as the American Bar Association with its 46,000 members can have upon this nation cannot be imagined by any of us if we are willing to pay the price to answer the challenge. Just as the willingness of a statewide organization such as the Mississippi Junior Bar can have a great impact on the state.

So, my fellow Young Lawyers, I raise this question: "Who will answer?" And as I raise the question I will also suggest the answer. The answer to this question of "who will answer?" should be the young lawyers of this nation. If my suggestion is accepted, I think we will have, in the words of the words of William Shakespeare, "A Consummation devoutly to be wished."

Election of officers was conducted. Nominees selected by the board of directors for the office of president-elect were Frank Crosthwait and H. Wingfield Glover. No nominations were offered from the floor. Frank Crosthwait was elected.

The board nominated Alex Alston and Joe Meadows for secretary. No further nominations were offered. Alex Alston was elected.

President Brown then presented the gavel to Pat H. Scanlon, who assumed the presidency for 1969-70. President Scanlon made the following remarks:

INCOMING PRESIDENT'S REMARKS*

Pat H. Scanlon

First, I would like to thank you, the membership, for giving me the opportunity and privilege of serving as president of the Mississippi Junior Bar. Our organization consists of over 800 members spread over a state almost 400 miles long. In our 33 year history, the Mississippi Junior Bar has supplied leadership in the ABA, and we have led among the other state bar associations.

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* This speech has been abridged by the Editor.

Our Young Lawyers Seminar was designed to help the newly admitted attorney bridge the gap between the theory taught in law school and the day-to-day earning of a living through the practice of law. It is now in its 12th year. It has been so successful that a number of other state junior bar associations have copied it. This year Richard Dortch and his committee have been working since January to set up this program, which will be August 27-29 at Millsaps College.

Our Lawyers Placement Service has also been duplicated by other states. It functions very well through George Van Zant's able assistance. The only difficulty we have is we cannot get enough people to use it. Those that do use it—those firms and those attorneys that use it, have been quite pleased with the results.

The Mississippi Junior Bar is second to none when it comes to Continuing Legal Education. We have sponsored a number of different types of seminars, such as Tax, Labor Relations, Traffic Court, Pre-law, and a number of other fields of interest.

Through people like Raymond Brown, Bob Barnett, Ed Connell, B. B. McClendon, Sherman Muths, George Hewes, Eaton Lang, and all the other presidents and director members, the Mississippi Junior Bar has reached the highest level of achievement. So where do we go from here?

First, I hope that we can continue with the good programs which we have done in the past. The Law Day program which Joe Meadows handled so ably this year—I hope we can continue with that. The Young Lawyers Seminar, as I said, is already planned, and I urge you to attend. I hope we can continue to publish the *Mississippi Lawyer;* Jimmy O'Mara is handling and doing a very fine job with it. We also publish a directory of officials which gives us all the officers and committee members for both the State Bar and the Junior Bar Section, with addresses, and it is quite helpful. But in addition to these things, I hope that we can go forward with some new programs of service to show that the young lawyers of this state can provide service to the community while improving the image of the attorney.

Yesterday we went before the Budget Commission and asked for a thousand dollar increase in our budget and we were given $1,500.00. So I think that we have the full and maximum support of the State Bar Association. Our present budget is up to $5,500.00—quite a sum of money—and I hope that we can use this money wisely and can create some of these other programs.

The ABA has issued a challenge to all local Junior Bars, State Junior Bars, to go forward with a program called "Youth and the Law." To me this is one of the most important programs that we could engage in this

year. It is designed to show the high school student and the young people the adverse, permanent and detrimental effects from a felony conviction. It is also designed to show the results from use and abuse of drugs, and we hope that we can have this program in at least the seven towns which have local Junior Bar Associations, and possibly others. Hal Miller has agreed to chair this committee, and I am sure he will do an outstanding job.

Another area of difficulty which faces us is specialization. Legal specialization is a coming thing, and the American Bar Association has said that this matter will be left to the states to determine who is a specialist and who is not. So we have created a Specialization Committee for this year, and Charles Brocato will chair that.

Last year our founding father, Hugh Clayton, suggested that with thirty-three years of history behind us the preparation of a history of the Junior Bar Section would be something of interest. Lee Davis Haynes has agreed to be chairman of that committee.

Another committee which will be new this year involves the Keeton-O'Connell proposal, which is liability without fault—doing away with the jury system. This is being studied at all levels and I believe it is a thing which the Mississippi Junior Bar should look into and find out about. We should at least understand what the proposal is.

Another area of concern, which Tom Cochran says will be his primary area, is a program called "Law and the Clergy," to show the members of the clergy how we, as attorneys, can assist them in their work, and how they can assist us; to have various types of meetings with the members of the clergy. Such a program was conducted here in Jackson by the Jackson Junior Bar Association and was very well received.

President Theodore Roosevelt once said that "every man owes a duty to spend some of his time to the upgrading of the profession to which he belongs," and by serving on one of our committees, you can meet that duty, and I urge you to do so. Thank you very much.

Retiring President Brown introduced the speaker for the afternoon, Dean Robert G. Storey, president of the Southwestern Legal Center in Dallas and Chairman of the American Bar Association's Special Committee on Electoral College Reform. Dean Storey served as president of the ABA in 1952-53, and is former Dean of Southern Methodist University Law School. His speech follows:

ELECTORAL COLLEGE REFORM*

Robert G. Storey

Mr. Chairman and President, President-Elect, distinguished guests and ladies and gentlemen: it is a very great pleasure for me to be here.

I came here to talk about a matter that I think is not only a matter of great concern to us as lawyers, but also to the entire citizenship of the United States. I refer to the Electoral College—shall we say—reform. We had this brought very close to us last year in the national election, and you realize that even on the night when the returns came in that they were talking about a possible disaster—that no candidate would have a clear majority, and the final decision would be made by the House of Representatives where each state has only *one vote*. We escaped that crisis and most of us felt that although we had a "brush with disaster" the cause has not been removed.

The electoral college system has governed forty-five elections and has produced fourteen Presidents who did not obtain a majority of the popular votes cast in the election. Indeed, on three occasions the losing candidate had more popular votes than the winner.

In the election of 1824 Andrew Jackson received 42.2 percent of the popular vote and 38 percent of the electoral vote. John Quincy Adams received 31.9 percent of the popular vote and 32 percent of the electoral vote. Since no candidate received a majority of the electoral vote, the election was thrown into the House of Representatives, and Adams was elected. Although Adams had fewer popular and electoral votes than Jackson, he was more successful in the political maneuvering in the House of Representatives and, therefore, was elected President.

In the election of 1876 Democratic presidential candidate Samuel J. Tilden won a majority of the popular vote. He received approximately 250,000 votes more than Rutherford B. Hayes. Yet Tilden lost the election by one electoral vote (185 to 184) when the disputed electoral votes of four states were awarded to Hayes by an Electoral Commission created by Congress.

In the election of 1888 Grover Cleveland received 48.6 percent of the popular vote and 42 percent of the electoral vote, while Benjamin Harrison obtained 47.8 percent of the popular vote and 58 percent of the electoral vote. Although Cleveland had about 100,000 popular votes more than Harrison, Harrison was elected President, having won key states by small margins. A switch of a few thousand votes in New York would have given the election to Cleveland.

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* This speech has been abridged by the Editor.

Under Article II of the Constitution, as amended by the Twelfth Amendment, if no candidate for President receives a majority of the electoral votes when they are counted (i.e., January 6), the House of Representatives chooses the President from the candidates having the top three numbers. In the voting, each state is entitled to one vote, regardless of its population. By House rules, the vote is awarded to the candidate who receives a majority of the votes cast by the state's delegation. If the delegation is evenly divided, the state has no vote. To be victorious in the House, the Constitution requires that a candidate obtain the votes of a majority of all the states. A quorum consists of a member or members from two-thirds of the states.

If no candidate for Vice-President receives a majority of the electoral votes, the Senate chooses the Vice-President from the candidates with the highest two numbers. A quorum for this purpose consists of two-thirds of the whole number of Senators, and a majority of the whole number is necessary for a choice.

Since the House selects the President, and the Senate the Vice-President, there could be a President from one party and a Vice-President from another. This is possible because the political composition of each body might be different, the method of voting and the requirement for election differ in each, and the number of candidates considered by each is not the same. Moreover, under present contingent election procedure, the Senate could reach a decision while the House deadlocked. If such a deadlock continued until January 20, the Vice-President-elect would, under the Twentieth Amendment, act as President until the House reached a decision and the President qualified.

Electoral College Reform Commission Study

Early in 1966, the American Bar Association was requested by members of the Judiciary Committees of the Senate and House of Representatives, and by other government officials and private citizens, to initiate a study of the electoral college reform. Following the successful research and recommendations of the American Bar Association for the 25th Amendment to the Constitution relative to Presidential succession, the American Bar Association assumed the responsibility and by authorization of the House of Delegates and the Board of Governors appointed an American Bar Special Committee on Electoral College Reform. In addition, the Commission on Electoral College Reform was created, which included members of the Special Committee and eight prominent citizens of the nation, making a total of fifteen.

In selecting the members of the commission, the American Bar Asso-

ciation endeavored to have different walks of life, professions, and parts of the United States represented. Thus, governors, judges, constitutional law professors, political scientists, and representatives from labor and management were invited to serve on the Commission. Comprising the commission were: Henry Bellmon, the Governor of Oklahoma; Paul Freund, Professor of Constitutional Law, Harvard Law School; E. Smythe Gambrell, Georgia attorney and former President of the American Bar Association (1955-1956); Ed Gossett, Texas attorney and former member of Congress from Texas (1939-1951); William T. Gossett, Michigan attorney, former President of the American Bar Foundation, and former General Counsel to the Ford Motor Company; William J. Jameson, United States District Court Judge for Montana and former President of the American Bar Association (1953-1954); Kenneth B. Keating, Associate Judge of the New York Court of Appeals, former United States Representative (1947-1959), and United States Senator from New York (1959-1965); Otto E. Kerner, the Governor of Illinois; James C. Kirby, Jr., Professor of Constitutional Law, Northwestern University Law School, and former Chief Counsel to the Sub-committee on Constitutional Amendments of the Senate Judiciary Committee; James M. Nabrit, Jr., Deputy United States Representative to the United Nations and President of Howard University (on leave of absence); Herman Phleger, California attorney and former Legal Advisor to the United States Department of State (1953-1957); C. Herman Pritchett, Professor of Political Science, University of Chicago, on leave of absence at the University of California at Santa Barbara, and former President of the American Political Science Association; Walter P. Reuther, President of the United Automobile Workers Union and Vice-President of the AFL-CIO; and Whitney North Seymour, New York attorney and former President of the American Bar Association (1960-1961); and myself, as chairman.

Upon its creation, the commission was directed to seek a non-partisan formula for electing the President and Vice-President of the United States. The staff and advisor were directed to make a comprehensive study of the history and experience of the electoral college system. The commission first met in Washington, D. C., on May 19 and 20, 1966, and explored and discussed all of the pending proposals for reform of the electoral college system. The result was a consensus that substantial reform was desirable and further detailed research of various plans and proposals should follow. During the ensuing months the staff collected and compiled information and data regarding the various plans, including electoral systems of other countries, checked with state officials regarding election laws, and consulted with numerous persons and organizations knowledgeable in electoral reform. The results of this comprehensive

investigation were embodied in reports and memoranda which were presented to the commission between June and October, 1966.

The commission reconvened in Chicago, Illinois, in October, 1966. At that meeting the commission reviewed the various staff studies and discussed electoral reform in considerable detail and reached almost a unanimous conclusion that the best method of electing a President and Vice-President was by the direct vote. Although there was general agreement on the recommendations, it should be understood that not every member of the commission subscribed to every recommendation.

Approval by House of Delegates

The report of the commission was recommended for approval by the House of Delegates of the American Bar Association at its mid-winter meeting in Houston in February, 1967. The specific recommendations were:

> It is the consensus of the Commission that an amendment to the United States Constitution should be adopted to reform the method of electing a President and Vice-President. The Amendment should:
>
> 1. Provide for the election of the President and Vice-President by direct nationwide popular vote;
>
> 2. Require a candidate to obtain at least forty percent of the popular vote in order to be elected President or Vice-President;
>
> 3. Provide for a national runoff election between the two top candidates in the event no candidate receives at least forty percent of the popular vote;
>
> 4. Require the President and Vice-President to be voted for jointly;
>
> 5. Empower Congress to determine the days on which the original election and the runoff election are to be held, which days shall be uniform throughout the United States;
>
> 6. Provide that the places and manner of holding the presidential election and the inclusion of the names of candidates on the ballot shall be prescribed in each state by the legislature thereof, with the proviso that Congress may at any time by law alter such regulations;
>
> 7. Require that the voters for President and Vice-President in each state shall have the qualifications requisite for persons voting therein for members of Congress, with the proviso that each state may adopt a less restrictive residence requirement for voting for President and Vice-President, providing that Congress may adopt uniform age and residence requirements; and
>
> 8. Contain appropriate provisions in case of the death of a candidate.

Conclusions

Our conclusion was:

> The present method of electing a President of the United States is archaic, undemocratic, complex, ambiguous, indirect and dangerous. It gives too much weight to some voters and too little to others; gives excessive power to organized groups in states where the parties are evenly matched; places an undue premium on the effects of fraud, accident and other factors; and allows for possible abuse and frustration of the popular will.

It should be recalled by lawyers that the House of Delegates of the American Bar Association is composed not only of delegates elected by members of the American Bar Association but also each state bar association is represented by its own delegates who are selected by the lawyers of the state. In addition, there are representatives in the House of Delegates from all the local bar associations having a membership of over 1,000, 25% of whom are members of the American Bar Association. Hence, the final action by the House of Delegates represents the entire organized bar of the United States and it is the policy-making body of the organized bar of the entire United States.

The recommendations and report of the commission were vigorously debated, and the final vote in the House of Delegates was 171 to 57 for approval of the above recommendations. Previous to approval of the House of Delegates, the Board of Governors of the American Bar Association recommended the approval of the recommendations to the House of Delegates.

Congressional Proposals

During the past two years the subject of electoral college reform has received considerable attention. In a special message to Congress in January, 1966, President Johnson urged that action be taken, stating: "Our concepts of self government and sound government require it." In his 1967 State of the Union Message the President reiterated his appeal for election reform. President Nixon recently stated he would approve and support the direct vote plan if approved by Congress. Democratic and Republican Senators and Representatives from both large and small states have introduced resolutions in the present Congress, as in previous Congresses, calling for reform of our system of electing the President. Thirteen states recently sought to have the Supreme Court declare the present system unconstitutional, but without success.

Four proposals for Electoral College reform have been introduced in Congress and debated by scholars, lawyers, and businessmen for many

years. The three plans, in addition to the direct vote, are "district," "proportional," and the "winner-take-all" which gives all votes to the party which wins.

The direct vote plan has strong bipartisan support, including Representatives Wilbur Mills and Gerald Ford.

The Judiciary Committee of the House of Representatives after extended hearings recently approved the direct vote plan by more than a two-thirds majority. More than forty Senators have endorsed the direct vote.

Popular Support

It is also interesting that such organizations as the United States Chamber of Commerce have conducted studies upon this important question. After a long study, the United States Chamber of Commerce recommended either the direct vote or district plan.

A recent Gallup poll revealed that 81 percent of the American people favored elimination of the Electoral College and substitution of direct popular vote. A poll of state legislators taken by Senator Quentin N. Burdick of North Dakota in 1966 showed that only 9.7 percent supported retaining the present system, while over 59 percent favored direct election itself. A poll of members of all state legislatures indicates that more than two-thirds favored the direct vote.

Numerous newspaper editorials have endorsed the direct vote for election of the President and Vice-President. The two major political parties have endorsed Electoral College Reform. It is also anticipated that this Congress will continue consideration of this important legislation.

Finally, all Bar Associations and lawyers should continue their interest in the reform and communicate your recommendations to your Congressmen and Senators.

It is good to be with you and I hope that you will take an interest in this, and we are very proud of the fact that not only is this helpful, we think, to the lawyers of the country, but to the public officials and to the public at large.

Voting for the Board of Directors was conducted. The election winners follow: Northern District, two year director, Alex Gates, Indianola; one year director, Robert Upchurch, Tupelo; one year director, Glenn Alderson, Oxford; Central District, two year director, "Wink" Glover, Meridian; one year director, Lee Davis Thames, Vicksburg; one year

director, James Herring, Canton; Southern District, Tom Stennis, hold-over director for another year, Gulfport; Roy Williams, one year, Pascagoula; Leonard Blackwell, two year director, Gulfport.

The Junior Bar was adjourned.

The following is a list of past presidents of the Junior Bar Section:

1936—Hugh N. Clayton
1937—Jesse Graham (deceased)
1938—John C. Satterfield
1939—Charles A. Sisson
1940—George M. Ethridge, Jr.
1941—J. Morgan Stevens (deceased)
1942—Frank Everett, Jr.
1943—Richard E. Stratton, III
1944—Paul Parr (deceased)
1945—John W. Wade
1946—William N. Ethridge, Jr.
1947—James S. Eaton
1948—George Woodliff
1949—W. Arlington Jones
1950—E. Cage Brewer, Jr. (deceased)
1951—Kenneth Franks
1952—Robert G. Nichols, Jr.
1953—Lampkin H. Butts
1954—Joshua Morse, III
1955—Charles B. Henley
1956—George Morse
1957—Jack Travis
1958—K. Hayes Callicutt
1959—James F. Noble, Jr.
1960—Eaton A. Lang, Jr.
1961—E. C. Ward
1962—Frank A. Riley
1963—George P. Hewes, III
1964—Sherman Muths, Jr.
1965—B. B. McClendon, Jr.
1966—Edward P. Connell
1967—Robert Barnett
1968—Raymond Brown

LAW SCHOOL AND BAR SERVE MUTUAL NEEDS

*Dean Joel W. Bunkley, Jr.**

It is the primary purpose of the Law School to educate and train its students for the practice of law in the state of Mississippi. This must be accomplished through not only the Law School itself but the close working cooperation between the school and the Bar. We recognize the necessity to offer both fundamental basic courses in the substantive law, practice courses in the adjective law, and such new courses as are necessary to keep abreast of our changing times. A balance must be reached in this curriculum. Your new administration recognizes the need for a more stable and balanced faculty. We feel that those who have been added since September will fulfill this need. Four faculty members have been employed, while we have lost two members through resignation and death. Three of our new acquisitions are experienced in practice and teaching. We have also added one of our recent graduates who has had two years of practice and will fit into our plans for the future.

The law school student body is growing each year, even with the raising of standards for admission. We feel that it is only fair to the bar to keep our standards high, and through our recruiting policy we are striving for this goal.

At the present time we are in need of added physical space. A new building must be in the plans for the near future. Our library space is inadequate now, and our classroom space is rapidly becoming insufficient for our needs.

It is the sincere desire of your law school to cooperate in all respects with the Mississippi State Bar. We feel that we should serve the bar in considering its suggestions and criticisms. Furthermore, we feel that continuing legal education, research, and the utilization of our other facilities should be shared. We can be of mutual service to each other and it is our hope that this spirit will further develop in the years to come.

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* A.B., College of William and Mary; LL.B., University of Miss.; Dean, University of Mississippi School of Law. (This message, though not a part of the bar proceedings, has been prepared at the Editor's request. It is deemed appropriate for inclusion.)

APPENDIX A

RESOLUTIONS—MISSISSIPPI STATE BAR

Adopted June 28, 1969:

WHEREAS national and state advances in medical science and jurisprudence have shown a growing relationship between law and mental health, particularly in such areas as proceedings for commitment to mental institutions, drug use and abuse, alcoholism, plea of insanity as a defense to a criminal charge, malnutrition, birth defects, determination of mental competency in contract and estate matters, divorce, the funding of medical institutions and medical training programs, and the establishment of special education techniques;

WHEREAS, the Mississippi Interagency Commission on Mental Illness and Mental Retardation is conducting a statewide study of these problems, and

WHEREAS, Rule 14 of the Rules of Professional Conduct of the Mississippi State Bar recognizes that, "The lawyer owes 'entire devotion to the interest of the client . . . and the exertion of his utmost learning and ability,'"

NOW, THEREFORE, BE IT RESOLVED, that the Mississippi State Bar requests and authorizes the President of the Mississippi State Bar to appoint a Standing Committee on Law and Mental Health to study and make recommendations concerning this subject.

WHEREAS, the future of Mississippi and of the economic, intellectual and cultural life of all Mississippians depends upon quality education offered by the state institutions of higher learning, and,

WHEREAS, the State of Mississippi is committed to provide opportunities for advanced education of the highest quality for each and every individual who can make effective use of such training, and,

WHEREAS, an expanding system of public higher education is essential to meet the rising aspirations of individuals and to maintain and broaden the highly trained leadership demanded by business, industry, the legal and medical professions, and all facets of our increasingly complex society, and,

WHEREAS, college and university enrollments in Mississippi have increased on an average of more than 5,000 new students annually for the past three years, and,

WHEREAS, these markedly increased enrollments place unreasonable burdens on existing faculty members and facilities and heighten the need for more teachers and additional classrooms and residence halls for students, and,

WHEREAS, our three universities must have additional funds for research, and,

WHEREAS, our colleges and universities need funds to take advantage of the opportunities to receive matching monies from the federal government, as well as to attract greater numbers of private gifts and grants, and,

WHEREAS, the growth of Mississippi state appropriations for higher education as related to personal income growth in the last eight years is not keeping pace with that of the nation, the difference being an appropriations growth of $2.51 per $1,000 for Mississippi compared to an appropriations growth of $3.51 for the nation; and,

WHEREAS, the average growth in the nation of state appropriations in support of public higher education from 1960 to 1968 was 214 per cent, and the increase in Mississippi was 143 per cent; and,

WHEREAS, faculty salaries for full professors in the senior public institutions of higher learning, including those in the University of Mississippi School of Law, are $3,000 below the national figure, and,

WHEREAS, the institutions of higher learning received $17.5 million less than the minimum appropriation requested for the 1968-70 biennium, and,

WHEREAS, student fees at Mississippi institutions of higher learning are among the highest in the region, and,

WHEREAS, the institutions of higher learning of the State of Mississippi are dependent upon the Mississippi State Legislature for adequate financial support,

NOW, THEREFORE, BE IT RESOLVED, THAT the Mississippi Bar Association recognizes that the well-being of our state, our people, and our nation will be in jeopardy if the investment in higher education is not greater, and the Mississippi Bar Association encourages and challenges the Mississippi State Legislature to give special attention to the needs of the institutions of higher learning for the year 1970-71.

WHEREAS, the cooperation of all the advertising media is necessary to bring the full message of Law Day to all citizens of Mississippi, and

WHEREAS, such cooperation was prominent in the 1969 Law Day USA program;

THEREFORE, BE IT RESOLVED the Mississippi State Bar expresses its appreciation to:

The members of the Outdoor Advertising Association of Mississippi for providing one hundred twenty (120) highway billboards for this year's Law Day message;

The members of the Mississippi Broadcasters Association for providing public service time on radio and television for Law Day announcements;

And the members of the Mississippi Press Association for news articles and editorials on the Law Day theme.

BE IT FURTHER RESOLVED that our appreciation be expressed to members of the Mississippi Bankers Association who sponsored Law Day advertisements.

WHEREAS, the 64th Annual Meeting of the Mississippi State Bar, held at the Hotel Heidelberg, Jackson, Mississippi, June 26-28, 1969, has been most rewarding and enjoyable, and

WHEREAS, the entire membership of the bar, particularly those attending this convention, feel deeply indebted to all those who have worked so capably and efficiently in planning and arranging this convention;

THEREFORE, BE IT RESOLVED, that the members of the Mississippi State Bar, in convention assembled, hereby express our heartfelt appreciation to the following:

Our capable and outstanding President, Hon. Chester H. Curtis, for his excellent leadership, which has contributed immeasurably to the growth and success of our organization;

The other officers and members of the Board of Commissioners;

The officers and directors of the Mississippi Junior Bar;

The hostesses for the Ladies' Luncheon and Theatre Party, Mrs. Earl R. Wilson, Mrs. Rubel Phillips, Mrs. William Bacon, Mrs. Thomas A. Bell, Mrs. Joe T. Dehmer, Jr., Mrs. Brad Dye, Jr., Mrs. William W. Ferguson, Mrs. Robert G. Gillespie, Jr., Mrs. Harold D. Miller, Jr., and Mrs. Sam E. Scott;

The registration personnel and reporter;

Our Program Committee and all other committees which served during the year and at this convention;

Our featured speakers, Hon. Thomas D. Cochran, Dean Robert G. Storey, Hon. Bernard G. Segal, Hon. Lee Turner, Hon. Mark Martin, Judge Hubert Will and Dr. Don L. Lind for their valuable contributions to our program;

Robert McRaney, Jr. and John Perkins for their contributions to the Fair Trial –Free Press discussion;

All members of the news media for their coverage of this convention;

The Jackson Legal Secretaries Association for providing complimentary secretarial assistance;

The Lawyers' Cooperative Publishing Company and Chester E. Scott for the coffee service;

The Trust Department of the Deposit Guaranty National Bank for hosting the Thursday Night Reception;

Gilsbar, Incorporated, Hester and Hester Agency, Mississippi Valley Title Insurance Company, South Central Bell Telephone Company and Thomas Yates and Company for serving as co-hosts of the President's Reception on Friday night;

The City of Jackson, Hinds County Bar Association and the management and staff of the Hotel Heidelberg for their cooperation in planning and providing for our comfort, convenience and pleasure;

All our guests whose presence added so much to the enjoyment of our convention.

BE IT FURTHER RESOLVED that our executive director forward copies of this resolution to all appropriate persons and that a copy be spread on the permanent records of the Mississippi State Bar.

APPENDIX B
DIRECTORY
MISSISSIPPI STATE BAR
AUGUST 1969

ABERDEEN
Richard B. Booth
Claude A. Chamberlin
P.O. Box 72
Judge Allen Cox
D. W. Houston, Jr.
David Winston Houston, III
Box 72
George W. Howell, Jr.
P.O. Box 171
John E. Johnson
P.O. Box 190
Michael Davis Jonas
East Commerce St.
P.O. Drawer E
David B. King
P.O. Box 170
Armon D. Lee
Robert D. Patterson
P.O. Drawer 170
Ralph E. Pogue
L. T. Senter, Jr.
Circuit Judge
Johnny N. Tackett
Box 183
William S. Turner
Box 386

ACKERMAN
Jack B. Carlisle
Box 181
Judge J. P. Coleman
5th U.S. Circuit Court
of Appeals
P.O. Box K
James Dennis Dobbs
Box 327
Frank Watson Hunger
% Judge J. P. Coleman
Bobby F. Sanders
P.O. Box X

AMORY
Billy James Funderburk
N. Main St.
J. O. Prude, III
P.O. Box 124
Jack N. Thomas
Box 267
Fred P. Wright

ASHLAND
Anthony Thomas Farese
Box 135
John B. Farese
P.O. Box 125
John Booth Farese
Box 98
Peggy Anita Jones
Box 125
William G. Kemp
L. Hamer McKenzie
Box 121

AVALON
Virgil G. Cook

BALDWIN
W. H. Cox
Box 353
M. Paul Haynes
M. Paul Haynes, Jr.
P.O. Box 278

BATESVILLE
Morris Collins Bailey
221 Bates St.
Dennis M. Baker
210 Broadway
Robert H. Broome
210 Broadway
Charles Clifton Finch
P.O. Drawer 568
D. R. Johnson
Box 288
Jack Terry Peeples, Jr.
Drawer 568
Robert T. Riser
Ben B. Smith
Box 568
Daniel Briggs Smith, Jr.
Drawer 568
Ted Lucas Smith
P.O. Drawer 568
Arnold Smyth
Ralph Owens White
Box 271

BAY ST. LOUIS
Jos. Henry Benvenutti
144 Main Street
Evelyn Conner
Box 281
Sam L. Favre, Jr.
Drawer 71
William Morris Frisbie
P.O. Box 406
Gerald C. Gex
Merchants Bank Bldg.
Lucien M. Gex
Merchants Bank Bldg.
Joseph W. Gex
J. R. Griffin
Favre & Griffin
Michael D. Haas
P.O. Box 304
Nicholas McL. Haas
P.O. Drawer UU
Edward I. Jones
Box 15
Cornelius J. Ladner
Box 412
George H. Lipscomb, Jr.
P.O. Box 121
Walter J. Phillips
Merchants Bank & Trust
Co. Bldg.
D. M. Russell
Box 253

BAY SPRINGS
Wm. Harrison Alexander
Reuben Kidd Houston, Jr.
P.O. Box 374
J. A. McFarland, Jr.

R. H. McFarland
O. M. Oates, Jr.
Box 25
Roy L. Osborne
Thomas G. Roberts
Box 521
J. L. Thompson
Jacob E. Ulmer, Jr.
P.O. Box 1

BELMONT
L. Paul Allen
Box 37

BELZONI
James T. Bridges
Box 322
V. B. Montgomery
P.O. Drawer 634
Irby Turner, Jr.
P.O. Box 447
H. R. Varnado
P.O. Drawer 634
Lucian R. Wadlington
Box 355
W. D. Womack, Jr.
P.O. Box 217
Arthur Eugene Wood, Jr.
84 Church St.

BENOIT
Lloyd Eades Hogue

BEULAH
M. D. Dossett

BILOXI
Robert M. Acevedo
Box 552
Byron Alexander Adams
2416 Wilkes Ave.
Lynden Bowring
941 E. Beach
Leslie B. Grant
20 B. Edgewater Garden Apt.
Billy Floyd Brown
209 Rich Ave.
Amy Burkett
Rt. 3 Box 353
Fred G. Cody
210-210A Roland Bldg.
450 Renoir St.
Lawrence C. Corban, Jr.
Box Q
Billy Marvin Davis
P.O. Box 328
Donald E. Dore
Edgewater Plaza Shopping City
Wilson J. Foster, Jr.
1335 Lafayette St.
D. D. Guice
First Bank of Biloxi Bldg.
J. D. Guice
First Bank of Biloxi Bldg.
W. L. Guice
Box 153
Peter Halat, Jr.
Box 1079
Joseph B. Hawkins
P.O. Drawer M
Lewis Hengen
217 Barq Bldg.
Clare S. Hornsby
Box 548
Cecil G. Johnson
Box MM
Albert S. Johnston, Jr.
Box 214
Albert Sidney Johnston, III
Box 214
Arnaud O. Lopez
202 Barq Bldg.
James S. Love
Hotel Buena Vista
Frederick J. Manning
Box 241
Nick A. Mavar, Jr.
1214 W. Beach
Howard A. McDonnell
Barq Bldg.
Netwon Kelly McKoin
Peoples Bank Bldg.
P.O. Drawer MM
Judge Walter L. Nixon, Jr.
Box 541
Lyle M. Page
Box 222
Ronald Peresich
Box 222
Carl B. Prestin
266 Brady Drive
Victor B. Pringle
P.O. Box 292
Vistor B. Pringle
Box 292
Jule A. Schwan
P.O. Box 272
John Sekul
203 Barq Bldg.
Lawrence Semski
Box 552
John Michael Sims
Box 328
Sanford Richard Steckler
Box 541
William Wyatt Sumral
113 Miramar Ave.
Paul R. Tarbutton
239 Langley Dr.
Charles L. Todero
1136 W. Howard Ave.
E. C. Tonsmeire, Jr.
Box 241
Kosta B. Vlahos
P.O. Box 36
Walter Wadlington
Peoples Bank Building
P.O. Box 2
Edmund Jarette Walker
Rt. 3, Box 79
Thomas L. Wallace
505 Lameuse St.
Alonzo S. Westbrook
175 Oak Grove Place
Thomas J. Wiltz
Box 302
Thelma S. Zinner
P.O. Box 67

BOONEVILLE
Clarence Chase
Schultz Bldg.
Floyd W. Cunningham
Box 146
James A. Cunningham, Sr.
P.O. Box 146
Larry Wade Cunningham
P.O. Box 146

Jack M. Dubard
Box 225
Ellis W. Finch
Box 46
Donald Franks
Eugene B. Gifford
P.O. Box 254
James N. Godwin
P.O. Box 687
Thomas Douglas Keenum, Sr.
P.O. Box 267
Joe Ray Langston
College Street
Edgar Watson Massey
Box 421
Charles Stewart Vail
Mr. E. K. Windham

BRANDON

Billy G. Bridges
Box 7
David Byrd Clark
Bullock Building
Jerry T. Johnston
North Timber St.
George Dan Martin
P.O. Box 9
Marcus E. Martin
P.O. Box 8
W. E. McIntyre
W. E. McIntyre, Jr.
John C. McLaurin
Robert S. McLaurin, Jr.
112 High St.
David Lewis Morrow
P.O. Box 168
James A. Morrow, Jr.
P.O. Box 73
Robert D. Morrow
J. C. Murray
Rankin Co. Bank
Joe H. Sanderson
P.O. Box 151
J. David Williams
P.O. Box 263

BROOKHAVEN

Emmette P. Allen
Box 828
Bruce Holmes Brady
P.O. Box 548
Tullius Brady
Box 115
Charles Emmette Brennan
P.O. Box 9
Michael L. Carr, Jr.
Box 52
Clay D. Cooley
528 North Church Street
R. Rudolph Davis
220 A First Street
James W. Elliott, Jr.
Box 774
George H. Gulley, Jr.
Box 317
H. W. Hobbs
Box 356
H. W. Hobbs, Jr.
Box 356
Robert E. Jones
P.O. Drawer 888
Jerrald L. Nations
P.O. Box 867
J. F. Noble, Sr.
Box 4
William B. O'Neal
P.O. Box 242
Donald B. Patterson
Miss Power & Light Co. Bldg.
Ralph L. Peeples
P.O. Box 202
R. Pearce Phillips
Box 786
Owen Roberts
Box 677
Richard E. Stratton, III
111 East Cherokee St.
Terry S. Swalm
Swalm Bldg.

BRUCE

Charles W. Cook
Ottis B. Crocker, Jr.
Box 307
Clifton R. Easley
Yancy and Gibson
Billy R. Gibson
P.O. Box 425
James Alfred Waits
P.O. Box 175
Jesse Lee Yancy, Jr.
Box 425

BYHALIA

James Everette Woods
Box 114

CALHOUN CITY

W. W. Brown
P.O. Box 75
Salon Carter Dobbs, Jr.
Henry L. Lackey
P.O. Box Y
Paul M. Moore
P.O. Drawer 230
George Mitchell Swindoll

CAMDEN

Edgar Lee Walker

CANTON

James A. Butchart
P.O. Box 382
James M. Cain
Rt. 2, Box 105
S. R. Cain, Jr.
P.O. Box 286
Wm. Sterling Cain
P.O. Box 286
George Milton Case
114 West Center St.
N. R. Cauthen
Hermon Dean
H. Nolen Fancher
P.O. Box 245
Joe R. Fancher, Jr.
Robert Louis Goza, Jr.
114 West Center St.
J. M. Greaves
Box 128
G. B. Herring
Ground Flr. 120 E. Center St.
P.O. Box 344
James H. Herring
P.O. Box 344
Josephine Hood
Samuel Thames Lloyd, Jr.
312 South Liberty St.

Robert Montgomery
114 West Center St.
John Andrew Nichols
626 South Union
Percy F. Parker
County Court, Madison Co.
Robert H. Powell, Jr.
Box 245
L. G. Spivey, Jr.
P.O. Box 286
William Hudson Sutherland Jr.
102½ N. Liberty St.
Mr. J. Collins Wohner

CARTHAGE

James Roberts Allen
Box 387
Joe P. Barnett
P.O. Box 48
O. H. Barnett
Circuit Court
Robert Norman Brooks
211 N. Pearl St.
P. O. Box 48
Vernon Reid Cotton
Main Street
Harold W. Davidson
J. O. Hollis
Box 305
Howard Owen Leach
Box 366
James B. McLemore, Jr.
P.O. Box 387
J. E. Smith
Box 387
A. M. Warwick
P.O. Box 207
Alvin Roy Wright, Jr.
Box 406

CHARLESTON

James A. Blount
George Payne Cossar, Jr.
George Payne Cossar, Sr.
Joseph L. Tennyson
P.O. Box 84
Albert Donald Whitten
P.O. Box 28

CLARKSDALE

George Locklin Bounds, Jr.
705 Maple St.
William R. Bradley
101-05 Stevens Bldg.
C. Willis Connell, Jr.
Bank of Clarksdale
Edward P. Connell
P.O. Box 368
Martin D. Cook
Box 786
John W. Crisler
Box 1116
Chester Harris Curtis
Box 368
Jack F. Dunbar
Stevens Building
George Marion Fleming
P.O. Box 368
L. Alex Gilliam, Jr.
Box 100
Wayne S. Harris, Jr.
Coahoma Nat'l. Bank Bldg.
Pat D. Holcomb
Box 368
Jas. W. Hopkins
Stevens Bldg
David R. Hunt
123 Court St.
O'Gwen Lamar King
232 Leflore Ave.
Stovall Lowrey
P.O. Box 662
I. Semmes Luckett
121 Yazoo Street
William O. Luckett
P.O. Box 306
Lawrence M. Magdovitz
Box 997
Sidney A. May
P.O. Box 237
G. F. Maynard, Jr.
Box 480
William H. Maynard
P.O. Drawer 488
Ralph Guy Metcalf
Box 641
Leighton S. Miller
P.O. Box 219
Doyle Benton Moorhead
419 West Second
Thomas H. Pearson
P.O. Box 912
Leon L. Porter, Jr.
Box 431
Greek P. Rice
S. H. Roberson
121 Yazoo Ave.
Harvey T. Ross
Box 339
Tom T. Ross
Box 339
Lester M. Sack
P.O. Box 626
Allan D. Shackelford
P.O. Box 306
Elzy J. Smith, Jr.
Box 907
Charles L. Sullivan
P.O. Box 1196
Larry A. Thompson
523 Catalpa St.
Robert F. Wood
647 Cherry St.
Howard G. Woodward
Box 876

CLEVELAND

W. B. Alexander, Jr.
112 North Pearman Ave.
William H. Bizzell
P.O. Box 117
Ancil L. Cox, Jr.
116 S. Court St.
C. H. Crump
Jas. C. Feduccia
112 North Pearman Ave.
E. H. Green
Ellis Griffith
P.O. Box 151
John Leslie Hatcher
P.O. Box 151
Joseph M. Howorth
515 South Victoria Ave.
Lucy S. Howorth
515 South Victoria Ave.
Robert E. Jackson
Charles C. Jacobs, Jr.
P.O. Box 151

Robert G. Johnston
112 N. Pearman Ave.
Alfred A. Levingston
Drawer 728
C. Arthur McIntosh
P.O. Box 151
Ben Ferrell Mitchell
Dana Clifton Moore, Jr.
116 South Court Street
William E. O'Hare
P.O. Box 630
William Allen Pepper, Jr.
Smith & O'Hare
A. D. Somerville
Box 387
A. B. Sparkman
Carmon E. Valentine
205 South Court Street
John White Valentine
205 South Court Street
Arthur C. Whittemore
P.O. Box 323
Delta State College

CLINTON
James V. Carr
Box 114
Herbert D. Farrell
Route 1, Box 22
William H. Hewitt
800 East Leakes Street
Ewell McDonald
P.O. Box 264
Percy Howard Parkman
P.O. Box 224
George Dudley Pearce
1401 Post Road
Hon. William R. Phillips
Sunset Drive
John Hillman Rogers
1007 Tanglewood Dr.
George B. Taylor
716 Belvue St.
Robert P. White, Jr.
805 E. Leake Street
Gladstone E. Williams
P.O. Box 172

COAHOMA
M. M. Butler
Route 1

COFFEEVILLE
Jack Terry Peeples
Box 240

COLLINS
William D. Adams
P.O. Box 521
William W. Allred
Box 521
John K. Keyes
Dan Anderson McIntosh, III
P.O. Box 554
Tommy Bott Rogers
P.O. Box 204
Bonnie Smith
P.O. Box 364

COLLINSVILLE
Joe Henry Mulholland
Route 3

COLUMBIA
Vernon H. Broom
203 Newsom Bldg.
Walter E. Bullock
P.O. Box 334
Bernard Callender
310-312 Newsom Bldg.
William Coleman Callendar
P.O. Box 604
James S. Dale, Jr.
Box 603
Sebe Dale
Box 603
Maurice Dantin
310 Newsom Bldg.
James R. Davis
Box 222
Ernest R. Duff
216 Newsom Bldg.
Richard D. Foxworth
216 Newsom Bldg.
Toxey Hall
310-312 Newsom Bldg.
M. H. Lawless
335 Second St.
Box 9
Thomas D. McNeese
c/o Broom & Singley
Peggy G. Mullins
P.O. Box 364
Uhl Poole Fornea Patterson
Box 216
Ben Mounger Rawls
P.O. Drawer 232
Philip Singley
203-04 Newsom Bldg.
Garland D. Upton
P.O. Box 46

COLUMBUS
William Ellis Bearden
P.O. Box 1032
W. G. Burgin, Jr.
516 2nd Ave. N.
Dudly Haskell Carter
Box 981
H. T. Carter
521 2nd Avenue N.
Richard Chotard
2106 Blue Cut Road
James Albert Dale, III
519 2nd Ave.
Chester D. Gaston
Route 5, Box 196
Gary L. Geeslin
P.O. Box 1366
Hunter M. Gholson
516 N. 2nd Ave.
James Tyson Graham
Box 166
Thomas Clower Harvey, Jr.
Box 602
Dewitt T. Hicks, Jr.
P.O. Box 1094
John H. Holloman
Box 1102
W. Welborn Johnson
P.O. Box 1442
W. H. Jolly
P.O. Box 743
Billy Jenkins Jordan
519 Second Ave. North
Joseph R. Lipscomb
223 6th Street N.
Jerome Lee Lohrmann
Box 1017
James C. Mauldin
Mauldin Furniture

Aubrey Eugene Nichols
510 Second Ave. N.
Ben L. Owen
Box 1001
Gary R. Parvin
Box 32
Jacob C. Pongetti
126 5th St. North
J. O. Sams
514 2nd Ave. N.
Joe O. Sams, Jr.
Box 249
George J. Schweizer
Box 1017
John F. Sims
P.O. Box 648
Taylor B. Smith
P.O. Box 1094
Douglas C. Stone
P.O. Box 166
R. C. Stovall
Box 591
Robert Clark Stovall
P.O. Box 591
W. J. Threadgill
Box 1094
Henry K. Van Every
Box 761
James Armstrong Walters
519 North 2nd Ave.
Thomas Grady Wallace
245 Alabama St.
Robin Weaver
Box 1003
David J. Whitaker, Jr.
P.O. Box 981

COMO

James M. Stockton
Route 1, Box 57

CORINTH

W. C. Adams
Neal Brooks Biggers, Jr.
402 Franklin Street
Aubrey Horace Brewer
500½ Filmore St.
David Lee Coleman
Box 741
James P. Dean
P.O. Box 207
Donald Ray Downs
P.O. Box 191
Marshall Lee Graves, Jr.
Apt. 8 Willeol Apt.
James L. Gullett
P.O. Box 668
H. A. Hopper
Chambers-Liddon Bldg.
Robert G. Krohn
Box 549
Joe B. Mitchell
509½ Waldron St.
James E. Price, Jr.
Box 549
John Curlee Ross, Jr.
Box 741
W. L. Sharpe
Box 844
Rodney F. Simmons
1217 Washington St.
William E. Skelton, Jr.
P.O. Box 207
Orma Rinehart Smith, Jr.
Box 191
Judge Orma R. Smith, Sr.
Box 1519
N. S. Sweat
P.O. Box 227
N. S. Sweat, Jr.
P.O. Box 227
W. C. Sweat, Jr.
Box 128
Charles R. Wilbanks
P.O. Box 801
John Ronald Windsor
1502 Tate St.
B. F. Worsham
Box 146
John Richard Young
Box 408

CRYSTAL SPRINGS

J. Harold Graham, Jr.
Box 287
James W. Kitchens
186 N. Jackson St.
Merrimen M. Watkins
P.O. Box 233

DECATUR

James B. Everett
Leo Horan
P.O. Box 367
William H. Johnson, Jr.
Box 55

DE KALB

J. H. Daws
Helen J. McDade
P.O. Box 112
L. J. Spinks
Box 26

DREW

O. M. Marsalis
Thomas M. McWilliams
111 S. Main Street
Pascol J. Townsend, Jr.
105 South Main Street

DURANT

Carl F. Drake
Calvin R. King
Box 91
S. R. King
P.O. Box 91
James A. White
P.O. Box 283

EDWARDS

John M. Kendrick
Bobby Leon McHann
P.O. Box 96

ELLISVILLE

Mary L. Busch
103 N. Ivy St.
W. D. Carmichael
P.O. Box 250
Glender Dennis
P.O. Box 426
Billy Joe Landrum
P.O. Box 6

EUPORA

W. C. Butler
P.O. Box 86
Thomas E. Childs, Jr.
Box 450

William T. Denman, III
P.O. Box 583
John Wesley Gary, III
Box 111
W. D. Gary
Box 577
Rolfe L. Hunt, Jr.
Box 401
W. Buchanan Meek
Edwin Arnold Snyder
Box 134
R. P. Sugg
Chancellor

FAYETTE

Harry L. Corban
R. L. Corban, Jr.
Carroll J. McLaurin
Ed. Davis Noble, Jr.
Richard Marion Truly, Jr.
P.O. Box 344
James M. Walker
Box 36

FLORENCE

Billie Catherine Juhan
Box 371
James Elliott Williams
Route 1, Box 358 B

FLORA

J. Frank Evans, Jr.
Box 364

FORREST

Jerry L. Bustin
Box 382
T. Mark Huff
P.O. Box 87
William A. Huff
P.O. Box 179
Danny L. Hunter
P.O. Box 336
Osborn Idom
P.O. Box 336
James Walter Lee
Box 385
Percy M. Lee
Roy Noble Lee
P.O. Box 370
Thomas Orayton Lee
Box 370
Tom Stewart Lee
P.O. Box 16
Howard B. McCrory, Jr.
Box 46
Wm. Carl Thompson
P.O. Box 147
O. B. Triplett, III
Quinn Building
O. B. Triplett, Jr.
Box 247
William Samuel Weems
711 S. Raleigh

FULTON

Thomas Victor Lee Bishop
P.O. Box 563
Wm. H. Camp
Euple Dozier
P.O. Box 284
Percy A. Martin
P.O. Box 491
Nell C. May
Box 538
Stacey B. Russell
Box 525
Malcolm T. Yawn
Box 513

GAUTIER

William P. Joyer
Hercules Fishing Club

GLOSTER

Fred Alvin Anderson, III
Box 368
Walker Jean Carney, Jr.
P.O. Box 99
J. T. Lowrey
Box 429
Joe Upton

GREENVILLE

George Douglas Abraham
Box 24
Nathan P. Adams, Jr.
P.O. Box 271
Roy G. Ayles
1327 E. John St.
Edward J. Bogen
P.O. Box 689
Eugene M. Bogen
536 Washington Ave.
Marvin Burchfield
1137 Lourdes St.
Roy D. Campbell
Box 895
Frank Carlton
P.O. Box 442
William Darrell Carson
P.O. Box 1019
George L. Cottingham, Jr.
P.O. Box 40
Fountain D. Dawson
Leyser Building
P.O. Box 1151
Anse Dees
P.O. Box 460
Fred C. DeLong, Jr.
P.O. Box 895
Howard Dyer
309-10 Weinberg Bldg.
Howard Dyer, III
309-10 Weinberg Bldg.
Guy Kenner Ellis, Jr.
635 Fairview Ave.
Holland O. Felts
Room 214-220
Weinberg Bldg.
Leon Carl Hagwood
P.O. Box 895
Edward B. Hill, Jr.
P.O. Box 5613
Frank Watson Hunger
P.O. Box 918
Judge William C. Keady
P.O. Box 190
William C. Keady, Jr.
P.O. Box 895
Ernest Kellner, Jr.
Chancellor 9th District
Martin Anderson Kilpatrick
P.O. Box 558
Raymond V. Kimble, Jr.
205-8 Weinberg Bldg.
J. A. Lake, Jr.
Box 918
Robert T. Love
Box 1354
Phillip Mansour
Woolworth Bldg.

W. M. McGough
P.O. Box 660
W. L. McIlwain
P.O. Box 558
William E. McLellan
1204 Margaret St.
Horace L. Merideth, Jr.
P.O. Drawer 99
Hainon A. Miller
338 May Bldg., Box 1334
Julian David Orlansky
338 May Bldg., Box 1334
Samuel Ira Pittman, Jr.
405-10 Weinberg Bldg.
Zelma W. Price
Box 766
Tony P. Provenza
1208 Fairview Ave.
Eugene J. Raphael
Woolworth Bldg.
James Robertshaw
P.O. Box 99
James L. Robertson
P.O. Box 895
Geo. Ramsey Russell
Room 214-220 Weinberg Bldg.
Laurance J. Sievers
P. O. Box 506
George H. Slade
P.O. Box 1214
Earl Solomon
P.O. Box 453
Earl S. Solomon, Jr.
P.O. Box 453
Walter B. Swain, Jr.
P.O. Box 4874 Crossroads Station
William D. Swain, Jr.
127 Robertshaw St.
Clayton J. Swank, III
217 Bermuda Drive
John William Tarver
859 S. Washington
Philip Baird Terney
P.O. Box 99
Frank S. Thackston, Jr.
Box 918
Judge S. B. Thomas
William Thomas, Jr.
948 Arnold Ave.
Charles S. Tindall
Box 918
Charles Sumner Tindall, III
P.O. Box 918
James Marvin Ward
125 Sherwood Dr.
Rodger D. Wasson
P.O. Box 1093
J. W. Watkins, III
May Building
Burwell B. Wilkes
Circuit Judge
Joseph E. Wroten
Box 1334
Douglas C. Wynn
Box 1295

GREENWOOD

Edward J. Antoon
Box 417
Norman C. Brewer
Box 411
James W. Burgoon, Jr.
P.O. Box 391
Henry Donald Brock
P.O. Box 941
Travis H. Clark, Jr.
P.O. Box 411
Joseph G. Colson, Jr.
P.O. Box 364
Charles Milton Deaton
Box 411
George H. Dulin
Bell & McBee
P.O. Drawer 657
William P. Eason
Box 846
Gray Evans
P.O. Drawer B
George A. Everett
P.O. Box 253
John J. Fraiser, Jr.
P.O. Box 391
Arnold Frederick Gwin
Box 1176
James E. Higginbotham
P.O. Box 366
O. L. Kimbrough
Box 516
Hardy Lott
P.O. Box 725
R. Cunliffe McBee
Drawer 657
George Hite McLean
Box 516
George Hite McLean, Jr.
405 East Adams
Pearl McLellan
Box 54
W. H. Montjoy
Box 906
Yerger Morehead
Whittington Bldg.
Frank K. Odom
P.O. Box 674
H. T. Odom
Box 1218
Porter W. Peteet
P.O. Box 263
James M. Pierce
P.O. Box 915
Charles Pollard
P.O. Box 393
William H. Roberson
P.O. Box 263
J. Stanny Sanders
P.O. Box 725
Gordon T. Smith
804 Bell Avenue
Richard L. Smith
610 West Adams
Charles J. Swayze, Jr.
Box 884
Anthony Lavon Thaxton
Box 146
James E. Upshaw
Odom, Odom & Pittman
Box 671
Seth Wheatley, Jr.
Box 389
Wm. M. Whittington, Jr.
P.O. Box 941
Fred Witty
P.O. Box 912

GRENADA

Edwin Tharp Cofer

Jim McRae Criss
P.O. Drawer C
William H. Fedric
Grenada Bank Bldg.
Jay Gore, Jr.
Box 901
Michael Blakely Gratz
John T. Keeton
P.O. Box 666
Lucille T. Latta
P.O. Box 922
Wm. A. Lomax
861 Line
Mitchell M. Lundy
11 Evans Bldg.
Marshall Perry
Box 444
Leon E. Provine
Box 99
William O. Semmes
Box 567
Bryant Jerome Shaw
1176 S. Mound St.
Lida B. Shaw
1176 S. Mound St.
Samuel J. Waits
P.O. Box 204

GULFPORT

Guthrie Turner Abbott
P.O. Drawer H
Bidwell Adam
P.O. Drawer BB
Warren Harding Adam
1607 24th Ave.
Harry Roger Allen
P.O. Box 996
Frank W. Alexander
Chancellor 8th District
P.O. Box 986
Bemis O. Bailey, Jr.
1015 Pass Road
Dwight Nicholas Ball
33 53rd St.
Robert Barber, Jr.
P.O. Drawer DD
John H. Barnett, Jr.
915 Wanda Pl.
Thomas Davis Berry, Jr.
1319 24th Ave.
Charles Blackwell
Box 42
Leonard Adam Blackwell, II
P.O. Box 88
Eldon L. Bolton, Jr.
P.O. Box 100
E. D. Bostrom
P.O. Box 2223
Norman Breland
1913 15th St.
Rae Bryant
P.O. Box 10
John W. Capers
404 Hewes Bldg.
Pete H. Carruba
P.O. Box 1477
Napoleon Lepoint Cassibry, II
P.O. Drawer BB
Everett E. Cook
P.O. Drawer C
Bruce G. Cornell
3rd Floor Hewes Bldg.
David Cottrell, Jr.
P.O. Drawer H
Harold Joseph Demetz
P.O. Box 1297
William F. Dukes
P.O. Box 1826
Phil R. Dunnaway
P.O. Drawer C
James S. Eaton
P.O. Drawer H
G. E. Estes, Jr.
Box 88
W. M. Estopinal
Medical Bldg.
John A. Evans
1317 24th Ave.
Milton Ray Fairchild
412 Pass Rd.
Jason H. Floyd
P.O. Box 1107
Jason H. Floyd, Jr.
Box 1107
Cary L. Fondren, Jr.
P.O. Box 141
E. J. Ford, Jr.
201 Hatten Bldg.
Paul M. Franke, Jr.
Drawer 100
Edward Gaines
2209 14th St.
Chas. R. Galloway
P.O. Drawer H
Robert Charles Galloway
1519 Kelley
John M. Gardner
1425 24th Ave.
Virgil G. Gillespie
206 Hewes Bldg.
Luther S. Gilmer
Suite 211 Gulf South Bldg.
D. M. Graham, Jr.
P.O. Box 22
Richard B. Graves, II
P.O. Box 1649
P. D. Greaves
Suite 308, Gulf National Bank Bldg.
Grier Joseph Gregory
10 Kimball
N. Shelton Hand, Jr.
Box 1826
T. J. Buchanan Heiss
1510 19th Avenue
Gaston H. Hewes
Hewes Bldg.
Harry P. Hewes
Rm. 304, Hewes Bldg.
William G. Hewes
P.O. Box 454
Viola J. Hilbert
Box 4043
Forrest E. Holder
22 Poplar Circle
Boyce Holleman
P.O. Drawer 1030
Clyde Hurlbert
P.O. Box 541
Robert E. Husband
Suite 302 Gulf South Bldg.
Walter R. Johnson
211 Gulf S. Bldg.
Walter Rayford L. Jones
P.O. Drawer 1720

Oscar B. Ladner
P.O. Box 727
Eaton A. Lang, Jr.
P.O. Drawer H.
Bowden Fred Lee
C/O Mrs. D. M. Spears
1629 Nichols Court
Larry Lee Lenior
304 Hewes Bldg.
Edward M. Lindsey
Box 524
Luther W. Maples
26th Avenue
Ernest G. Martin, Jr.
P.O. Box 730
James M. McCarthy
P.O. Box 542
Joseph R. Meadows
P.O. Box 1649
R. B. Meadows
Hewes Bldg.
Edward Owen Miller
2606 Kelly Ave.
Robert Hill Milner, Jr.
P.O. Box 579
Webb M. Mize
310 Gulf Nat'l. Bank
Building
Alfred E. Moreton, III
1015 Pass Road
John S. Morris
Suite 303 Gulf South
Bldg.
George E. Morse
P.O. Box 100
Stanford E. Morse, Jr.
P.O. Box 100
Sherman L. Muths, Jr.
P.O. Box 127
Albert Necaise
1913 15th St.
Paul M. Newton
2414 Fourteenth St.
H. G. O'Connor
4512 Jefferson Ave.
Edgar L. O'Neill, Jr.
2513 Palmer Dr.
William R. Owings
Box 711
Owen T. Palmer, Jr.
P.O. Box 717
Robert D. Portwood
P. O. Drawer 760
William M. Rainey
P.O. Drawer S
Clayton Rand
The Dixie Press
James Norman Randall, Jr.
Suite E, 2300 14th St.
P.O. Box 749
Donnie D. Riley
P.O. Box 1649
Thomas N. Roberts, Jr.
P.O. Drawer Y
George Rosetti, Jr.
P.O. Drawer Y
Scotty R. Rosetti
Box 1297
Ernest L. Shelton, III
4708 Jefferson Ave.
Donald O. Simmons
P.O. Box 1206
Upton Sisson
1913 Fifteenth St.
Lee R. Spence
Trust Dept., Hancock
Bank
Herbert J. Stelly, Sr.
P.O. Drawer Y
Thomas L. Stennis, II
P.O. Box 10
William L. Stewart
P.O. Box 717
Ben H. Stone
P.O. Drawer H
Thomas B. Sumrall
Hatten Building
Charles T. Sykes, Jr.
1317 24th Ave.
Robert L. Taylor
P.O. Box 730
Jerry O. Terry, Sr.
Suite 308, Gulf Natl.
Bldg.
Hollis C. Thompson, Jr.
Box 580
R. W. Thompson, Jr.
Suite 310, Gulf National
Bk. Bldg.
McRae Turner, Jr.
Mississippi Power
Company
Fred Haden Walker
2817 25th Ave.
Harry G. Walker
Box 1529
Knox W. Walker
408 Hewes Bldg.
Gerald M. Warren
Box 901
Knox White
P.O. Drawer S
Neil W. White
P.O. Box 985
Neil W. White, Jr.
P.O. Drawer S
Marguerite L. Williams
1805 19th Ave.
Richard L. Yarbrough
Box 1138
Ralph D. Young
P.O. Drawer Y

GUNTOWN

James W. Bingham
Box 25

HANDSBORO

Cyril Thomas Faneca, Jr.
2110 Sweetman Blvd.
Edgar, L. O'Neill, Jr.
2210 Swetman Blvd.
George M. Quin
454 Champlin St.
Fred Haden Walker
710 Courthouse Rd.

HATTIESBURG

Lawrence D. Arrington
Box 1292
Robert E. Arrington
P.O. Box 22
Bruce C. Aultman
P.O. Box 750
Dorrance Aultman
P.O. Box 750
James W. Backstrom
P.O. Box 750
B. H. Baker
Box 801
Douglas T. Baker
402 Duman Ave.

J. C. Bell
P.O. Box 566
Carl E. Berry, Jr.
112 West Front St.
M. D. Brett
P.O. Box 189
Robert L. Calhoun
Box 461
Lester Clark
302 First Federal Bldg.
Harold B. Cubley
P.O. Box 969
Edward J. Currie, Jr.
P.O. Box 2044
George C. Curry
P.O. Box 1709
George W. Currie
Box 626
T. W. Davis, Jr.
P.O. Box 529
James K. Dukes
P.O. Box 2055
S. Wayne Easterling
P.O. Box 870
James Finch
P.O. Box 1169
Lawrence Y. Foote
Drawer 1231
Herbert R. Ginsberg
First Federal Bldg.,
Suite 304
Paul E. Grady
Box 1349
Reginald A. Gray, Jr.
201 Carter Bldg.
Reginald A. Gray, III
611 S. 21st Ave.
John S. Grove
Ross Bldg.
Box 1024
Wallace R. Gunn
Drawer 1729
Stanton A. Hall
P.O. Box 135
William Haralson
P.O. Drawer 1609
F. C. Hathorn, Jr.
Box 865
Rowland W. Heidelberg, Jr.
301 West Pine St.
Paul H. Holmes
P.O. Box 2055
John Roane Howell
518 Rebecca Ave.
Carroll H. Ingram
Box 24
Robert T. Jackson
P.O. Box 1288
Rex K. Jones
202 Geiger Bldg.
P.O. Box 125
W. Arlington Jones
Suite 405 Carter Bldg.
William F. Jones
Box 95
Karl W. Kepper
702 W. Pine St.
Marie P. Kepper
702 W. Pine St.
Joe R. King
Box 1207
Suite 403, Carter Bldg.
John Wincie Lee, Jr.
302 First Federal Bldg.
Robert Lawrence Lennon
3rd Floor, First Fed. Bldg.
James F. McKenzie
301 West Pine Street
Lawrence S. McWhorter
512 Mamie St.
Frank D. Montague, Jr.
201-04 Carter Bldg.
Alfred Moore
111½ E. Front St.
Box 95
Forrest M. Morris, Jr.
215 E. Front St.
William V. Murry
204 Conner Bldg.
Larry Norris
501 Carter Bldg.
Mildred W. Norris
P.O. Box 1633
Thomas D. Ott
P.O. Box 1386
Howard L. Patterson
P.O. Box 808
Homer Pittman
Box 227
Jack Homer Pittman
Box 227
Moran M. Pope, Jr.
P.O. Box 750
Thomas J. Riley
P.O. Box 654
M. M. Roberts
Box 870
Shelby R. Rogers
Box 109
Milton A. Schlesinger
Suite 304, First Federal
Bldg.
Elliott E. Schlottman
P.O. Box 1902
W. L. Shappley
P.O. Box 6
James Simrall, Jr.
Box 750
Michael David Sullivan
P.O. Box 1568
Robert M. Sullivan
P.O. Box 1568
T. Harris Sullivan
Ross Bldg.
Dan Gary Sutherland
301 West Pine Street
James H. C. Thomas, Jr.
Suite 210 Carter Bldg.
Joe A. Thompson
Box 348
James K. Travis, Jr.
P.O. Box 590
J. B. Van Slyke, Jr.
Box 1609
Jack B. Weldy
P.O. Box 24
Ben Marshall West
P.O. Box 465
Southern Station
Darl Jene Whitecotton
P.O. Box 870
William W. Wicht, Jr.
Suite 100, Professional
Bldg.
Elliott T. Wooten
Box 133
Francis T. Zachary
P.O. Box 24

HAZLEHURST

S. E. Allen, Jr.
P.O. Box 208

Cecil L. Allred, Jr.
408 Gallatin St.
John T. Armstrong
P.O. Box 190
J. T. Armstrong, Jr.
P.O. Box 190
Ethel R. Arrington
Box 347
Don C. Cooley
P.O. Box 388
Harris Brand Henley
Box 509
W. S. Henley
Box 509
Harry O. Hoffman, Jr.
Box 190
Carroll Kemp
P.O. Box 226
Julius L. Lotterhos
Box 509
Lena C. Zama
Box 108

HERNANDO

Dudley Black Bridgforth, Jr
Gerald Wilborn Chatham, Jr.
57 Center St.
Ross Lee Franks
Boyce Lee Garner
Harry Randolph Garner
17 Union St.
William F. Hagan, Jr.
Box 5
Lee Virden Hamberlin
Box 715
F. C. Holmes, Jr.
Arthur Cinclair May
17 Union St.
George S. McInvale
William L. Rone
Box 367
Joel Phillips Walker, Jr.
Edward L. Whitten, Sr.
P.O. Box 695
W. E. Wilroy
Box 5
W. E. Wilroy, Jr.
Box 5
James Everette Woods
McInvale Building

HICKORY

W. M. Everett
Box 115
S. E. McGee

HOLLANDALE

William T. Bundy, Jr.
503 Church St.
Forrest Durwood Ruegger
Box 542
W. Scott Thompson
Box 307

HOLLY SPRINGS

Fred M. Belk, Jr.
Box 66
John W. Bryant, Jr.
Merchants & Farmers Bank Building
Warren E. Cox
N. Miss. Rural Legal Services
Robert P. Crutcher
Box 66
Wall Doxey, Jr.
P.O. Box 667
L. G. Fant, Jr.
P.O. Box 66
Lester G. Fant, III
Bank of Holly Springs Bldg.
Sidney L. Hurdle
First State Bank Bldg.
John L. Kennedy
North Side of Square
John Lewis Maxey, II
335 College Ave.
D. Rook Moore, III
Box 446
L. A. Smith, III
Box 276
Fred E. Swaney
Van Dorn Avenue

HOUSTON

H. B. Abernethy
Woodrow Wilson Brand, Jr.
Box 128
Thomas B. Davis
432 S. Jackson
John P. Fox
P.O. Box 167
James Simm Gore
P.O. Box 367
Armis E. Hawkins
Box 266
C. H. McCraine, Jr.
Box 231
Clyde Ratcliff
Houston State Bank

INDIANOLA

Richard M. Allen
P.O. Box 688
William Dean Belk, Jr.
P.O. Box 229
Joe M. Buchanan
Lee Circle
Arthur B. Clark, Jr.
Box 229
Frank O. Crosthwait, Jr
100 Court St.
Howard Q. Davis
Box 229
Howard Q. Davis, Jr.
Box 229
Aaron M. Edwards
210 Sunflower Ave.
Alexander B. Gates
Box 229
John T. Haltom
Box 654
Gordon L. Lyon
100 Court St.
J. H. Price
David M. Quinn, Jr.
Box 172
G. P. Ritchey
Box 628
Champ T. Terney
100 Court St.

ISOLA

John Walter Garrard
Box 173

ITTA BENA

Cleveland Davis
Box 98

Robert Leon Mangum
Route 2
Perry W. Morton
Box 82

IUKA

J. O. Clark
Elm Shopping Center
North
Highway 25 South
Richard O. Clark
Elm Shopping Center
North
Highway 25 South
James Barry Finch
Box 335
J. D. Finch
William Carr Lowrance
Route 4
Cecil Lamar Sumners
309 S. Fulton Street

JACKSON

Lynn D. Abernethy, Jr.
6561 Richwood Drive
James Milton Abram
121 North Farish St.
L. M. Adams
5025 Wayneland Dr.
Apt. C-4
Lee B. Agnew, Sr.
418 Yazoo St.
Lee Bryant Agnew, Jr.
5573 Hartsdale Drive
John E. Aldridge
Box 1699
Chalmers W. Alexander
Box 291
James Alexander, Jr.
Box 410
Paul G. Alexander
Box 807
William A. Allain
P.O. Box 220
James E. Allen
P.O. Box 1200
Leigh B. Allen, III
P.O. Box 119
Sam S. Allred
Woodmen of the World
Bldg.
218 S. President St.
Alex Alston
Drawer 1532
Lester Alvis, Jr.
P.O. Box 1507
Daniel Thomas Anderson
P.O. Box 263
Reuben Vincent Anderson
1206 Dewey St.
Carl F. Andre
4445 Audubon Park Dr.
George M. Arthur
5705 Ridgewood Rd.
B. Galloway Austin
518 E. Pascagoula St.
William A. Bacon
Box 15
James T. Baggett
5655 Clinton Blvd.
Wade M. Baine
Room 418, Post Office
Bldg.
Fred Lee Banks, Jr.
538½ N. Farish St.
Taunya Marita Banks
713 Campbell St.
Charles T. Barber
Co. Court House
Frank Barber
1504 State Office Bldg.
Harold J. Barkley, Jr.
Box 1631
Henry E. Barksdale
P.O. Box 2337
James A. Barnett
Box 2442
Robert G. Barnett
Box 2442
Ross R. Barnett
P.O. Box 1288
Ross R. Barnett, Jr.
Box 1288
Catherine L. Barter
Apt. 106, 1605 N. West
St.
John Edward Bat
575 Woodward Ave.
Stephen L. Beach, Jr.
P.O. Box 663
Stephen L. Beach, III
P.O. Box 663
Loyd Lamar Beacham, Jr.
822 Plaza Bldg.
Bobby Ray Beatty
P.O. Box 1127
James A. Becker, Jr.
Box 650
Thomas A. Bell
P.O. Box 1084
J. A. Bellan, Jr.
P.O. Box 2599
Richard Thomas Bennett
P.O. Box 326
W. H. Bennett, Jr.
766 Lenox Dr.
Walter Berry
Box 1199
Robert A. Biggs, Jr.
P.O. Box 1370
Louis S. Bills, Jr.
P.O. Box 622
Richard A. Billups, Jr.
P.O. Box 1056
Alvin Binder
P.O. Box 25
Col. Samuel E. Birdsong, Jr.
4047 Pine Hill Dr.
Melvin B. Bishop
512 E. Pearl St.
Walter R. Bivins
235 Cooper Rd.
D. Carl Black, Jr.
Box 22567
Maurice Black
P.O. Box 220
William P. Black
5939 Baxter Dr.
Jerry Holmes Blount
512 E. Pearl St.
George David Blue
19D Raymond Garden
Apt.
Singleton Smith Bonner
Box 528
Thomas L. Booker
P.O. Box 3467
Grover L. Boone
4660 Meadowridge Dr.
James A. Boone
P.O. Box 2182

Carl C. Bostic
200 S. President, Barnett Bldg.
Francis S. Bowling
425 Tombigbee St.
Hartwell Bowling
Box 78
Jack C. Boyles
4336 Meadowridge Dr.
Richard C. Bradley
406 Rollingwood Dr.
Tom P. Brady
Associate Justice Supreme Court
New Capitol
Jack W. Brand
P.O. Box 22489
Dan E. Breland
P.O. Box 765
Charles A. Brewer
P.O. Box 1704
Thomas J. Brewer, Jr.
Box 5602
Billy G. Bridges
P.O. Box 5767
Craig Brigsten
Box 1242
Kenneth M. Britt
Suite 1829, Deposit Gty. Bk. Bldg.
Charles L. Brocato
P.O. Box 22
Gordon Broom
753 Woodlake Dr.
Harmon W. Broom
Box 1275
R. H. Broome
P.O. Box 5915
Joseph E. Brown, Jr.
Box 2091
J. T. Brown
P.O. Box 291
R. Jess Brown
125½ N. Farish Street
William Howard Brown, Jr.
690 First Natl. Bk. Bldg.
W. F. Browning, Jr.
4730 Shadow Wood Dr.
Douglas H. Brumfield
165 Carmel Ave.
E. L. Brunini
P.O. Box 119
Edmund Lawrence Brunini, Jr.
P.O. Box 119
Henry Warren Bryan
Box 391
Clifton E. Bryant
4250 Athens Dr.
Cary E. Bufkin
Box 1172
James D. Buford
Box 1172
Delos H. Burks
Asst. Atty. General
New Capitol
Gerald William Burns
320 N. Maywood Circle
Robert Burns
P.O. Box 131
Jack C. Burrell
P.O. Box 78
Charles W. Busby
Box 2448
William A. Busby
418 Yazoo St.
Charles C. Bush
1602 Standard Life Bldg.
George H. Butler
Box 22567
Joseph B. Cadwallader
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Kalford C. Ratcliff
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Harold James Schneider
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Box 121
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Raymond C. Swartzfager, Jr.
Box 65
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Pat M. Barrett
Box 149
Pat M. Barrett, Jr.
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Joseph D. Gordon, Jr.
Box 268
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Box 373
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Box 585
Williams S. Murphy
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George B. Grubbs
Box 217
Aleita M. Sullivan
Box 37
Thomas H. Sullivan, Jr.
Box 37
J. W. Walker
Box 37
Connie S. Whitfield
Box 458
George G. Williamson
Box 687

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Gerald Adams
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